

IN THE UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

PLAINTIFF

ROBERT BENNETT, et al

INTERVENOR PLAINTIFFS

VS.

CASE NO. 07-CV-1025

CHEMTURA CORPORATION d/b/a
GREAT LAKES CHEMICAL
CORPORATION, et al

DEFENDANT

ORDER

IT IS SO ORDERED that the above matter be reopened as to all claims made by Plaintiff Equal Employment Opportunity Commission (“EEOC”). Actions by a government unit to enforce its police or regulatory powers are exempt from operation of the automatic stay provision in section 362(a) of the Bankruptcy Code. 11 U.S.C. § 362(b)(4). Therefore, all of the EEOC’s claims are exempt from the automatic stay and will proceed. *See E.E.O.C. v. Rath Packing Co.*, 787 F.2d 318, 323-25 (8th Cir. 1986) (holding that a Title VII action brought by the EEOC to enforce that agency’s power to eradicate employment discrimination is exempt from the automatic stay provision); *see also E.E.O.C. v. Hall’s Motor Transit Co.*, 789 F.2d 1011, 1013-14 (3rd Cir. 1986). The individual claims made by Intervenor Plaintiffs are not reopened at this time as they are subject to the automatic stay. 11 U.S.C. § 362(a).

IT IS SO ORDERED, this 26th day of March, 2009.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge