

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION**

**PNC BANK, N.A., as successor by merger  
to RBC BANK (USA) as successor in  
interest to FLORIDA CHOICE BANK**

**Plaintiff,**

**v.**

**Case No: 5:13-cv-105-Oc-10PRL**

**COMMERCIAL STRUCTURES, INC.,  
SANDRA L. REGISTER and DAVID L.  
REGISTER**

**Defendants.**

---


**ORDER**

This matter is before the Court on the Plaintiff's motion to compel production of documents to aid in its efforts to collect on the judgment previously entered against the defendants – Commercial Structures, Inc., and Sandra and David Register. (Doc. 34). On May 19, 2016, however, Sandra L. Register and David L. Register filed a Suggestion of Bankruptcy advising the Court that they have filed a petition for relief under the United States Bankruptcy Code, in the United States Bankruptcy Court for the Middle District of Florida, as Case No. 16-01879. (Doc. 35). Accordingly, these proceedings have been automatically stayed as to the Registers pursuant to 11 U.S.C. §362(a) of the Bankruptcy Code.

Generally, the protections of the automatic stay do not apply to a codefendant not in bankruptcy. *A.H. Robins Co., Inc. v. Piccinin*, 788 F.2d 994 (4th Cir. 1986). Courts, however, have extended the automatic stay to non-bankrupt co-defendants in “unusual circumstances” such as “when there is such identity between the debtor and the third-party defendant that the debtor

may be said to be the real party defendant and that a judgment against the third-party defendant will in effect be a judgment or finding against the debtor.” *Id.* at 999. On or before **June 15, 2016**, PNC Bank, N.A. and the Judgment Debtors shall file a memorandum, limited to 7 pages with citation to legal authority, addressing whether the stay should apply to Commercial Structures, Inc.

**DONE** and **ORDERED** in Ocala, Florida on June 1, 2016.

  
\_\_\_\_\_  
PHILIP R. LAMMENS  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties