

**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 PNC Bank'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). As previously noted, these proceedings have been automatically stayed as to the Registers pursuant to 11 U.S.C. § 362(a) of the Bankruptcy Code (Doc. 36), and thus, the motion to compel is denied as moot as to them.

However, it does not appear that the protections of the automatic stay apply to co-defendant Commercial Structures, Inc. Generally, the automatic stay does not apply to non-bankrupt co-debtors. *See Winters By and Through McMahon v. George Mason Bank*, 94 F.3d 130, 129-30 (4th Cir. 1996). While courts have made limited exceptions to the general rule in “unusual circumstances,” *see e.g., A.H. Robins Co., Inc. v. Piccinin*, 788 F.2d 994 (4th Cir. 1986), none of those circumstances appear to be present here. Indeed, despite being given an opportunity to do

so, neither Commercial Structures, Inc. nor the Registers have filed a memorandum addressing the applicability of the stay, nor have they argued that any exception should be applied. Accordingly, I find that the motion to compel is still at issue as to Commercial Structures, Inc.

In its motion, PNC Bank represents that on March 3, 2016 it served its First Request for Production of Documents on Commercial Structures, Inc., and that it has not received a response. While PNC Bank is entitled to post judgment discovery (*see* Fed.R.Civ.P. 69(a)(2)), it has not filed a copy of the Request nor has it otherwise complied with the requirements of Local Rule 3.04(a). Rather than denying the instant motion outright, the Court will provide PNC Bank an opportunity to file a copy of the discovery at issue for the Court's review. Accordingly, within **ten (10) days** of this Order, PNC Bank shall file a copy of the First Request for Production.

DONE and ORDERED in Ocala, Florida on June 17, 2016.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties