

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

**HILDA L. SOLIS, Secretary of Labor,  
United States Department of Labor,**

**Plaintiff,**

**v.**

**Case No. 8:10-cv-1858-T-30AEP**

**ANGELL CONTRACTING AND  
CONSTRUCTION, INC., et al.,**

**Defendants.**

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**ORDER**

THIS CAUSE comes before the Court upon Plaintiff's Response to Defendant Chad E. Angell's Notice of Bankruptcy and Request for Ruling on Application of Automatic Stay (Dkt. 14). The Court, having reviewed the notice, and being otherwise advised in the premises, concludes that Plaintiff's enforcement action against Defendant Chad E. Angell, an individual, is exempt from the automatic stay.

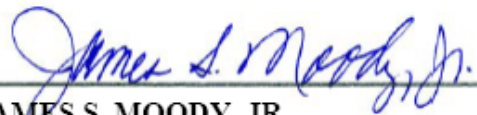
On August 19, 2010, Plaintiff commenced this action alleging Defendants breached their fiduciary obligations to the Angell Construction 401(K) Savings Plan in violation of several provisions of the Employee Retirement Income Security Act of 1974 ("ERISA"). On January 7, 2011, Defendant Chad E. Angell ("Angell") filed a suggestion of bankruptcy. On February 9, 2011, Plaintiff filed a response to Angell's suggestion of bankruptcy, arguing that an exception to the automatic stay provision applied to Plaintiff's claims against Angell. Angell did not file an opposition to Plaintiff's request to allow its claim to go forward.

The Court concludes that Plaintiff may proceed with the case because the enforcement action is exempt from the automatic stay provision under Bankruptcy Code §362(b)(4), which provides an exception to §362(a)(1) for certain governmental police and regulatory actions. The ERISA action asserted here against Angell is tantamount to a governmental police and regulatory action. *See Chao v. Morris*, 2007 WL 91613 (D. Ariz. Jan. 11, 2007).

It is therefore ORDERED AND ADJUDGED that:

1. Plaintiff's enforcement action against Defendant Chad E. Angell, an individual, is exempt from the automatic stay.
2. Defendant Chad E. Angell, an individual, shall file a response to the complaint within twenty (20) days from the date of this Order. If a response is not filed by this time, a default will be entered against him.

**DONE** and **ORDERED** in Tampa, Florida on February 25, 2011.

  
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JAMES S. MOODY, JR.  
UNITED STATES DISTRICT JUDGE

**Copies furnished to:**  
Counsel/Parties of Record

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