

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

GARY ANUSAVICE : BK No. 08-13279
Debtor Chapter 7

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ORDER

Heard on the Motion of the Commonwealth of Massachusetts for Determination of Inapplicability of Automatic Stay to Massachusetts Attorney General Enforcement Action (Doc. No. 10) seeking injunctive relief, restitution, penalties and costs.

The Commonwealth contends that the continued prosecution of the State Court Action is an exercise of its police and regulatory powers that is excepted from the provisions of 11 U.S.C. § 362(b)(4). The Commonwealth also represents that it will not proceed with any money judgment activity in the State Court Action, and acknowledges that all collection actions are subject to the automatic stay.

Upon consideration of the arguments and the case law presented, and for the reasons stated by the Commonwealth, which are adopted and incorporated herein by reference, I conclude that enforcement action *Commonwealth of Massachusetts v. Gary Anusavice, et al*, Civil Action No. 08-42470-G, insofar as it pertains to

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injunctive relief, is within the police and regulatory powers that are excepted from the 11 U.S.C. § 362(b)(4) automatic stay.

Dated at Providence, Rhode Island, this 9th day of January, 2009.



Arthur N. Votolato
U.S. Bankruptcy Judge

Entered on docket: 1/9/09