

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

UNITED STATES OF AMERICA *ex rel.*
ROBERT A. GREEN; STATE OF
FLORIDA *ex rel.* HOLLY TAYLOR,

Plaintiffs,

v.

Case No. 5:11-cv-406-Oc-37TBS

INSTITUTE OF CARDIOVASCULAR
EXCELLENCE, PLLC; ICE HOLDINGS,
PLLC; ASAD ULLAH QAMAR; and
HUMERA A. QAMAR,

Defendants.

ORDER

This cause is before the Court on the following:

1. Amended Suggestion of Bankruptcy (Doc. 90), filed April 21, 2016; and
2. United States' Response to Defendants' Amended Suggestion of Bankruptcy and Incorporated Memorandum of Law (Doc. 91), filed April 22, 2016.

Defendants in this False Claims Act ("**FCA**") *qui tam* action ("**Instant Action**") have filed for Chapter 11 bankruptcy. (See Doc. 90); see also *In re Asad U. Qamar & Humera A. Qamar*, 3:16-bk-1490 (M.D. Fla. 2016); *In re Institute of Cardiovascular Excellence, PLLC*, 3:16-bk-1491 (M.D. Fla. 2016); *In re ICE Holdings, PLLC*, 3:16-bk-1492 (M.D. Fla. 2016). As such, Defendants filed a "Suggestion of Bankruptcy" with this Court, indicating their belief that the Instant Action is automatically stayed pursuant to the Bankruptcy Code's automatic stay provision, 11 U.S.C. § 362(a). (Doc. 90.) The United States

opposes a stay. (See Doc. 91.)

Ordinarily, a petition for Chapter 11 bankruptcy operates as a stay of an action against the debtor ("**Automatic Stay**"). See 11 U.S.C. § 362(a). Particular actions are exempt from the Automatic Stay. See *id.* § 362(b). In the absence of binding authority, the Court finds persuasive the rationale that exempts FCA actions from the Automatic Stay through the point of entry of judgment. See *In re Commonwealth Cos., Inc.*, 913 F.2d 518, 527 (8th Cir. 1990); see also *In re Bilzerian*, 146 B.R. 871, 873 (M.D. Fla. 1992). That is, the Court can permit the action to proceed to the entry of a final monetary judgment against the debtor, but it cannot enforce that judgment. See *In re Commonwealth Cos., Inc.*, 913 F.2d at 527; *In re Bilzerian*, 146 B.R. at 873.

Accordingly, the Court declines to stay the Instant Action; the Instant Action will proceed as set forth in the Court's Case Management and Scheduling Order (Doc. 65).

IT IS SO ORDERED.

DONE AND ORDERED in Chambers in Orlando, Florida, on April 26, 2016.




ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record