

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

In Re:

Procom America, LLC

Case No.: 8:20-03522-MGW

Chapter 7 Case

Debtors.

**TRUSTEE’S LIMITED OBJECTION TO FLORIDA ATTORNEY GENERAL’S
MOTION FOR AN ORDER DECLARING THE AUTOMATIC STAY UNDER
11 U.S.C. § 362 INAPPLICABLE TO THE ATTORNEY GENERAL’S ACTIONS
AGAINST THE DEBTOR, OR IN THE ALTERNATIVE, FOR RELIEF
FROM THE AUTOMATIC STAY (DOC 120)**

Douglas N. Menchise, as Chapter 7 Trustee (the “Trustee”), by and through his undersigned counsel, hereby responds in opposition to the Florida Attorney General’s Motion for an Order Declaring the Automatic Stay Under 11 U.S.C. § 362 Inapplicable to The Attorney General’s Actions Against The Debtor, Or In The Alternative, For Relief From The Automatic Stay (“Motion”) (Doc 120), filed on behalf of the Florida Attorney General (“Attorney General”) and requests the Court schedule a hearing on same, and states:

1. The Attorney General’s Motion seeks an order declaring that the automatic stay under 11 U.S.C. § 362 is inapplicable to the Attorney General’s investigative actions pursuant to section 501.206, Florida Statutes, against Procom America, LLC dba Beyond Band of Brothers aka BBOB (the "Debtor"), or in the alternative, to grant the Attorney General relief from the automatic stay.

2. The Trustee does not object to relief from the stay to the extent the Attorney General seeks clarification that the automatic stay is inapplicable to the exercise of her police powers, including investigative action into the Debtor or its principals’ conduct.

3. The Trustee does however, oppose stay relief to permit the Attorney General to:

- (i) pursue collection of money from any third-parties or the Debtor, including but not limited to the enforcement, against the debtor or against property of the estate, of any pre-petition rights,
- (ii) act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate, (iii) act to create, perfect, or enforce any lien against property of the estate, (iv) act to create, perfect, or enforce against property of the debtor any lien to the extent that such lien secures a pre-petition claim or (v) act to collect, assess, or recover a pre-petition claim.

WHEREFORE, Douglas N. Menchise, as Chapter 7 Trustee, respectfully requests that this Court modify the automatic stay limited as is set forth herein and for such other and further relief as this Court deems just and appropriate.

SHUMAKER, LOOP & KENDRICK, LLP

By: /s/ Steven M. Berman

Steven M. Berman, Esq.

Florida Bar No.: 856290

101 E. Kennedy Blvd., Suite 2800

Tampa, Florida 33602

PH: 813.229-7600

FAX: 813.229.1660

Counsel for Chapter 7 Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 10, 2020, the foregoing was furnished by CM/ECF notice to all counsel of record, and served via U.S. Mail to all Required Parties-in-Interest per the attached all Creditor Matrix.

/s/ Steven M. Berman

Attorney