

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

In re:

Case No. 6:04-bk-12409-ABB  
Chapter 7

DR. GAIL VAN DIEPEN, P.A.,

Debtor.

**ORDER**

This matter came before the Court on remand pursuant to the Order entered on September 30, 2008 (Doc. No. 143) by the United States District Court for the Middle District of Florida, Orlando Division ("District Court") in Karen Romagosa v. Bankruptcy Estate of Dr. Gail Van Diepen, P.A., Case No. 6:07-cv-1835-Orl-19. Karen Romagosa ("Romagosa"), a former employee of the Debtor Dr. Gail Van Diepen, P.A. and a creditor herein, filed a Motion for Order Granting Relief from Automatic Stay (Doc. No. 95) seeking relief from the automatic stay of 11 U.S.C. Section 362(a) regarding certain Florida State Court litigation involving the Debtor, the Debtor's owner Dr. Gail Van Diepen ("Van Diepen"), Ormond Internal Medicine, LLC ("OIM"), and Oceanfront Investments Group, LLC ("Oceanfront").

An Order was entered on August 29, 2007 (Doc. No. 101) granting Romagosa limited relief from the automatic stay. Her motion for reconsideration of the August 29, 2007 Order was denied by the Order entered on October 25, 2007 Order (Doc. No. 117). Romagosa appealed the stay relief matter to the District Court.

The District Court vacated various portions of the August 29, 2007 Order and remanded the matter for proceedings consistent with the District Court's Order. The District Court vacated the portions of the August 29, 2007 Order that:

- (i) conclude the main Fair Labor Standards Act of 1928 ("FLSA") State Court Judgment did not find Van Diepen individually, jointly, or severally liable for the judgment entered against the Debtor;

- (ii) limit Romagosa's options against Van Diepen, individually, to a new declaratory action;
- (iii) enjoin Romagosa from taking any action in the main FLSA State Court case against Van Diepen, individually;
- (iv) enjoin Romagosa from attempting to reopen the main FLSA State Court judgment; and
- (v) prevent Romagosa from pursuing any action against OIM and Oceanfront unrelated to the bankruptcy case.

District Court Order at pp. 16-17. The District Court affirmed the August 29, 2007 Order in all other respects. Id.

The August 29, 2007 Order is due to be amended to conform to the District Court's Order.

Accordingly, it is

**ORDERED, ADJUDGED and DECREED** that the August 29, 2007 Order (Doc. No. 101) is hereby **VACATED**; and it is further

**ORDERED, ADJUDGED and DECREED** that Romagosa's Motion for Order Granting Relief from Stay (Doc. No. 95) is hereby **GRANTED** and she is granted relief from the automatic stay of 11 U.S.C. Section 362(a) to pursue her claims against Van Diepen individually, OIM, and Oceanfront in the Florida State Court litigation; and it is further

**ORDERED, ADJUDGED and DECREED** that such relief from the automatic stay does not allow Romagosa to pursue any claims or take any action in the Florida State Court litigation involving property of the above-captioned bankruptcy estate or claims or causes of action held by the Chapter 7 Trustee of this bankruptcy estate.

Dated this 14<sup>th</sup> day of October, 2008.

/s/Arthur B. Briskman  
ARTHUR B. BRISKMAN  
United States Bankruptcy Court