

ORDER ENTERED ON:
1/11/02
15
DEPUTY CLERK

UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT

IN RE:

ANDREW FRANK GORSKI,
HANNA ELZBIETA GORSKI,

Chapter 7

Debtors

Case No. 01-22405

RICKY & REGINA COOPER, AND
CONNECTICUT COMMISSION ON
HUMAN RIGHTS AND OPPORTUNITIES,

Plaintiffs

v.

ANDREW FRANK GORSKI,
HANNA ELZBIETA GORSKI,

Defendants

Adversary Proceeding

No. 01-2120

APPEARANCES:

David M. Teed, Esq.
Assistant Attorney General
55 Elm Street, P.O. Box 120
Hartford, CT 06141-0120
Counsel for Connecticut Commission on Human Rights
and Opportunities, Plaintiff

Jon Bauer, Esq., Kenneth Newbury, Intern and Brennan Maki, Intern
Civil Rights Clinic, University of Connecticut, School of Law
65 Elizabeth Street, Hartford, CT 06105
Counsel for Ricky and Regina Cooper, Plaintiffs

Anthony S. Novak, Esq. and Teresa A. Fontaine, Esq.
Chorches & Novak, P.C.
1260 Silas Deane Highway
Wethersfield, CT 06109
Counsel for the Defendants

**RULING ON MOTION TO DISMISS ADVERSARY PROCEEDING
AS TO CONNECTICUT COMMISSION ON HUMAN RIGHTS AND
OPPORTUNITIES**

KRECHEVSKY, U.S.B.J.

I.

Andrew Gorski and Hanna Elzbieta Gorski ("the debtors") on July 27, 2001, filed a Chapter 7 bankruptcy petition. Prepetition, on January 25, 2001, the Presiding Human Rights Referee of the Connecticut Commission on Human Rights and Opportunities ("CHRO"), issued an order, following a contested hearing, awarding Ricky Cooper and Regina Cooper ("the Coopers") \$5,000 in damages and \$20,000 in attorney's fees ("the award") arising from housing discrimination found committed by the debtors. The debtors neither appealed the award nor complied with it.

The Coopers and CHRO, on October 26, 2001, filed a complaint for a determination that the award is a nondischargeable debt pursuant to Bankruptcy Code § 523(a)(6) (debt not discharged if "for willful and malicious injury by the debtor to another entity . . . "). The debtors have moved to dismiss the adversary proceeding as to CHRO on the ground that CHRO lacks standing since it is not a creditor of their bankruptcy estate. CHRO objects to the motion, contending that, as a state agency with a statutory duty to enforce civil rights laws, it has standing in bankruptcy cases even if it is not a recipient of the award.

II.

The Connecticut legislature in Conn. Gen. Stat. § 46a-52 et. seq. established

CHRO as a state agency with extensive powers and duties to "eliminate the discriminatory effects of the past as well as bar like discrimination in the future," Civil Service Commission v. CHRO, 195 Conn. 226, 230-231, 487 A.2d 201 (1985), including the area of discriminatory housing practices. Section 46a-94(a) provides for appeals to the Connecticut Superior Court from final orders of a CHRO presiding officer. Section 46a-95 further provides:

The commission through the Attorney General, the commission counsel, or the complainant may petition the court within the judicial district wherein any discriminatory practice occurred or in which any person charged with a discriminatory practice resides or transacts business, for the enforcement of any order issued by a presiding officer under the provisions of this chapter and for appropriate temporary relief or a restraining order.

III.

The decision in this matter is governed by Nathanson v. National Labor Relations Board, 344 U.S. 25, 73 S. Ct. 80, 97 L. Ed. 23 (1952). In Nathanson, the Supreme Court ruled that a governmental agency created to enforce public policies has standing in a bankruptcy court to enforce a debt despite the fact that the agency will not be the ultimate recipient of the money. This doctrine has since been followed fairly uniformly in bankruptcy courts. See, e.g., Securities Exchange Commission v. Cross (In re Cross), 218 B.R. 76 (B.A.P. 9th Cir. 1998) (citing authorities and holding that the Securities and Exchange Commission, having obtained a prepetition judgment ordering the debtor to disgorge and deposit with a receiver for the benefit of defrauded investors, has standing to bring a nondischargeability complaint).

IV.

CONCLUSION

The court concludes that since CHRO was created to enforce state public policies and has statutory authority to enforce obligations contained in a CHRO order, CHRO has an institutional interest and standing in the present adversary proceeding as a plaintiff. The debtors' motion to dismiss is denied. It is

SO ORDERED.

Dated at Hartford, Connecticut, this 11th day of January, 2002.


ROBERT L. KRECHEVSKY
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT

IN RE: ANDREW FRANK GORSKI,
HANNA ELZBIETA GORSKI,

CASE NO. 01-22405

CHAPTER 7

CERTIFICATE OF MAILING

The undersigned Clerk in the Office of the United States Bankruptcy Court hereby certifies that a copy of the document attached hereto was mailed this date to:

ATTYS: David M. Teed, Asst. Attorney General
55 Elm Street, P.O. Box 120
Hartford, CT 06141-0120
Counsel for Connecticut Comm. on Human Rights

Jon Bauer, Esq., Kenneth Newbury, Intern and Brennan Maki, Intern
Civil Rights Clinic, University of Conn. School of Law
65 Elizabeth Street, Hartford, CT 06105
Counsel for Ricky and REGina Cooper, Plaintiffs

Anthony S. Novak, Esq. and Teresa A. Fontaine, Esq.
Chorches & Novak, P.C.
1260 Silas Deane Highway
Wethersfield, CT 06109
Counsel for Defendants

UNITED STATES TRUSTEE

DATE:

11/11/00

BY: PJ