

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

CUMBERLAND INVESTMENT :
CORPORATION :

BK No. 89-11051

Debtor :
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ORDER

On or about May 21, 1991, Harold F. Chorney filed a Motion to Hold Examiner in Contempt, and after notice to interested parties a hearing was held on May 22, 1991, whereat Chorney was represented by counsel who cross-examined Michael Weingarten, the Examiner, and who argued on behalf of Chorney. Based upon the evidence presented at said hearing, and after recalling and upon consideration of the record in this case of numerous earlier hearings attended by Chorney and others, including without limitation the Examiner, the Court finds as a fact and concludes as a matter of law that:

1. Chorney's Motion to Hold the Examiner in Contempt is frivolous and not well founded;

2. Chorney has deliberately and continuously acted in bad faith to obstruct and to hinder the efficient administration of the estate, which action has been very damaging, expense-wise, to the estate and its creditors;

3. These findings as to abuse of the process apply as well to Gerald Aubin.

Based on the entire record in this case, it is ORDERED:

1. That Chorney's Motion is DENIED;

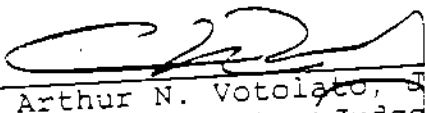
2. That, henceforth, Chorney and Aubin will no longer be permitted to intervene or otherwise participate in proceedings relating to sales or other disposition of estate assets, and are not entitled to any notice other than that received by general creditors;

3. Any orders previously entered by this Court which are contrary to or in conflict with the letter and spirit of this order, including that certain bench ruling of May 7, 1991 granting, in part, Chorney's Motion to Compel discovery relating to Weingar-
den's fee application,¹ are VACATED;

4. Because of their willful interference with the orderly and economic administration of this estate, and for their unjustified waste of the time of this Court, and of numerous other parties, Chorney and Aubin are ORDERED TO SHOW CAUSE, on July 25, 1991 at 2:00 PM, why they should not be adjudged in contempt, and/or ordered to pay sanctions.

Dated at Providence, Rhode Island, this 3rd day of July,

1991.


Arthur N. Votolato, Jr.
U.S. Bankruptcy Judge