

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

In re:

Case No. 6:01-bk-00533-ABB  
Chapter 11

EVERGREEN SECURITY, LTD.,

Debtor.

**ORDER**

This matter came before the Court on the Motion for Fees and Costs Pursuant to 28 U.S.C. Section 1927 (Doc. No. 1624) (“Section 1927 Motion”) filed by the Debtor Evergreen Security, Ltd. (“Evergreen”) through its President R.W. Cuthill, Jr. (“Cuthill”) seeking sanctions against the attorneys Scott W. Spradley (“Spradley”), Maureen A. Vitucci (“Vitucci”), and Peter R. Ginsberg (“Ginsberg”), the law firms of GrayRobinson, P.A. (“GrayRobinson”) and Peter R. Ginsberg, P.C.<sup>1</sup> (collectively, the “Respondents”) relating to the Respondents’ Motion for Recusal, Motion to Disqualify, Disclosure of All Ex Parte Communications and Revocation of All Prior Orders (Doc. No. 1508) (“Recusal Motion”). Evergreen seeks an award the fees and costs it expended in connection with the Recusal Motion. The Respondents filed various responses to the Section 1927 Motion.<sup>2</sup>

Evergreen filed a second sanctions motion against the Respondents pursuant to Federal Rule of Bankruptcy Procedure 9011 (Doc. No. 1542) in connection with the Recusal Motion proceedings.

The Court determined, as set forth in the July 17, 2007 Order, it does not have authority to impose sanctions pursuant to 28 U.S.C. Section 1927, but has authority to hear the Section 1927 Motion and submit proposed findings of fact and conclusions of law to the United States District Court for the Middle District of Florida, Orlando Division (“District Court”) pursuant to 28 U.S.C. Section 157(c)(1).

<sup>1</sup> Ginsberg and his firm Peter R. Ginsberg, P.C. shall be referred to collectively herein from time to time as “Ginsberg.”

<sup>2</sup> See Doc. Nos. 1655, 1656, 1657, 1658, 1659, 1676, 1677, and 1678.

An Order was entered on November 16, 2007 awarding Evergreen sanctions of \$300,000.00 against Spradley, Vitucci, and GrayRobinson, jointly and severally, pursuant to Federal Rule of Bankruptcy Procedure 9011, 11 U.S.C. Section 105(a), and the Court’s inherent powers. The Court is satisfied the sanctions imposed against Spradley, Vitucci, and GrayRobinson are sufficient to deter repetition of the wrongful conduct or comparable conduct by others similarly situated. No monetary or other sanctions should be imposed against Spradley, Vitucci, or GrayRobinson pursuant to 28 U.S.C. Section 1927.

An Order was entered on January 2, 2008 (Doc. No. 1738) (“January 2, 2008 Order”) awarding Evergreen sanctions of \$371,517.69 against Ginsberg and his firm, jointly and severally, and enjoining Ginsberg and his firm from practicing before the United States Bankruptcy Court for the Middle District of Florida for a period of five years.

The Court, in the interests of judicial economy and to not burden the District Court, incorporates herein the findings and conclusions of the January 2, 2008 Order. The Court will not transmit a separate proposed findings of fact and conclusions of law to the District Court relating to the Section 1927 Motion unless the January 2, 2008 Order is appealed or a party, by written motion, requests the Court make such transmission.

Dated this 2<sup>nd</sup> day of January, 2008.

*/s/ Arthur B. Briskman*  
ARTHUR B. BRISKMAN  
United States Bankruptcy Judge