

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

In re:

Case No. 6:05-bk-01303-ABB  
Chapter 7

ENERGY SMART, INC.,

Debtor.

---

ENERGY SMART, INC. ST.  
PETERSBURG,

Plaintiff,

vs.

Adv. Pro. No. 6:06-ap-00108-ABB

CARLA P. MUSSELMAN, TRUSTEE,

Defendant.

---

CARLA P. MUSSELMAN, TRUSTEE,

Plaintiff,

vs.

Adv. Pro. No. 6:06-ap-00166-ABB

EVGENY LYKOSOV,

Defendant.

---

**JUDGMENT**

This matter came before the Court on the Complaint filed by Energy Smart, Inc. St. Petersburg, the Plaintiff in Adversary Proceeding 6:06-ap-000108-ABB, against Carla P. Musselman, the duly-elected and acting Chapter 7 Trustee for the bankruptcy estate of Energy Smart, Inc. (a Delaware Corporation), the Trustee's Counterclaim, and the Complaint filed by the Trustee against Evgeny Lykosov in Adversary Proceeding 6:06-ap-00166-ABB. The two adversary proceedings were consolidated and a joint final evidentiary hearing was held on December 8, 2006. After reviewing the pleadings and evidence, hearing live testimony and argument, and being otherwise fully advised in the premises, and in conformity with and pursuant to the **Memorandum Opinion** entered contemporaneously herewith, it is

**ORDERED, ADJUDGED and DECREED** that all funds recovered and held by the Trustee in the

Chapter 7 case In re Energy Smart, Inc., Case No. 6:05-bk-01303-ABB, constitute property of the estate pursuant to 11 U.S.C. Section 541(a); and it is further

**ORDERED, ADJUDGED and DECREED** that Energy Smart, Inc. St. Petersburg, the Plaintiff in Adversary Proceeding No. 6:06-ap-00108-ABB, has not established the elements of conversion pursuant to Florida state law and **JUDGMENT** is hereby entered in favor of the Defendant Carla P. Musselman, Chapter 7 Trustee, and against the Plaintiff Energy Smart, Inc. St. Petersburg; and it is further

**ORDERED, ADJUDGED and DECREED** that Carla P. Musselman, Chapter 7 Trustee, the Counter-Plaintiff in Adversary Proceeding No. 6:06-ap-00108-ABB, is not entitled to the relief sought in Counts I through V of her Counterclaim and **JUDGMENT** is hereby entered in favor of the Counter-Defendant Energy Smart, Inc. St. Petersburg and against the Counter-Plaintiff Carla P. Musselman, Chapter 7 Trustee; and it is further

**ORDERED, ADJUDGED and DECREED** that Carla P. Musselman, Chapter 7 Trustee, the Plaintiff in Adversary Proceeding No. 6:06-ap-00166-ABB, is not entitled to the relief sought in Counts I through V of her Complaint<sup>1</sup> and **JUDGMENT** is hereby entered in favor of the Defendant Evgeny Lykosov and against Plaintiff Carla P. Musselman, Chapter 7 Trustee; and it is further

**ORDERED, ADJUDGED and DECREED** that Nikolai Ermanakov, Croftmore Enterprises, Dominion Enterprises, EVGL Corp., V&S Corporation, Fort Point Limited, Valery Kontaminov, and Energy Smart, Inc. (a Florida Corporation) were not named as Defendants in the above-captioned adversary proceedings nor were they served with notice or process. They were not afforded due process of law and the Trustee is not entitled to relief against these persons and entities.

Dated this 22nd day of March, 2007.

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

---

<sup>1</sup> The fifth count of the Trustee's Complaint relates to Section 550 of the Bankruptcy Code and is mislabeled as "Count IV." This cause of action shall be referred to as Count V.