

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:08-bk-02174-ABB
Chapter 7

JOSEPH PAUL MARCHESSAULT,

Debtor.

JACK DURIE, JR.,

Plaintiff,

vs.

Adv. Pro. No. 6:08-ap-00124-ABB

JOSEPH PAUL MARCHESSAULT,

Defendant.

ORDER

This matter came before the Court on the Objection to Debtor's Bankruptcy and Complaint for Fraud and Theft (Doc. No. 1) ("Complaint") filed by Jack Durie, Jr., the Plaintiff herein ("Plaintiff"), against Joseph Paul Marchessault, the *pro se* Debtor and Defendant herein ("Defendant"), and the various subsequent filings.

Orders were entered on February 26, 2009 (Doc. No. 40) and March 10, 2009 (Doc. No. 43) governing this proceeding and provide, in part:

- (i) The Complaint constitutes a complaint seeking a nondischargeability determination pursuant to 11 U.S.C. Section 523(a)(2)(A) and all allegations and causes of action not related to Section 523(a)(2)(A) were dismissed.
- (ii) All outstanding discovery requests and responses propounded by the parties were stricken.
- (iii) The Plaintiff is enjoined from conducting any further discovery.
- (iv) The parties are enjoined from filing any pleadings or

documents unless specifically directed by Court Order or leave of Court has been granted.

- (v) The Plaintiff's statement of the case was stricken for his failure to comply with the February 10, 2006 Order.

The Plaintiff failed to file an amended Complaint pursuant to the February 26, 2009 Order. The Defendant did not file discovery pursuant to the March 10, 2009 Order. This adversary proceeding is due to be set for trial.

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the final evidentiary hearing on the Plaintiff's Complaint (Doc. No. 1) is set for May 14, 2009 at 10:00 a.m. in Courtroom A, Fifth Floor, 135 West Central Boulevard, Orlando, Florida 32801; and it is further

ORDERED, ADJUDGED and DECREED that the parties are required to comply with the Local Rules for the United States Bankruptcy Court for the Middle District of Florida, specifically, but not limited to: Local Rule 5072-1 Courtroom Decorum and Local Rule 9070-1 Exhibits; and it is further

ORDERED, ADJUDGED and DECREED that a party's failure to comply with the Local Rules of this Court or any Order of this Court shall result in the imposition of sanctions against such party pursuant 11 U.S.C. Section 105(a), Local Rule 9011-3, and/or any other applicable sanctioning authority of this Court; and it is further

ORDERED, ADJUDGED and DECREED that the parties are enjoined from communicating with each other without leave of Court; and it is further

ORDERED, ADJUDGED and DECREED that the February 26, 2009 and March 10, 2009 Orders remain in full force and effect.

Dated this 23rd day of March, 2009.

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