

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
Eastern Division

FILED
2008 MAR 24 PM 2:00
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

In Re:

In Proceedings Under Chapter 7

ARTER & HADDEN, LLP,

Case No.: 03-23293

Debtor.

MARC P. GERTZ, TRUSTEE

Adv. Proc. No. 05-1722

Plaintiff,

JUDGE RANDOLPH BAXTER

v.

PATRICK M. MCGREEVY,

ORDER

Defendant.

Plaintiff filed the above captioned adversary proceeding on December 20, 2005. On November 26, 2007, this Court issued a Pretrial Order requiring, *inter alia*, the parties to file the following: 1) a pretrial statement; 2) a trial brief; and 3) a bound set of original exhibits and two copies. The order also set a final pretrial conference for March 19, 2008 and required the pretrial statement to be filed no later than three days prior to the final pretrial conference and trial brief and exhibits no later than the final pretrial conference. Trial is set for March 26, 2008.

This Court's November 26, 2007 scheduling order states, in pertinent part:

8. Pursuant to Bankr.R. 7016(f), if a party or party's attorney fails to obey a scheduling or pre-trial order, . . . the Court, sua sponte, may impose sanctions on either party or the party's attorney, as provided in Bankr.R. 7037(b)(2)(B), (C), (D).
9. FAILURE OF COUNSEL TO COMPLY WITH THIS ORDER MAY RESULT IN SUMMARY DISPOSITION OF THE CASE. See, National Hockey League, et. al. v. Metropolitan Hockey Club, 427 U.S. 639, 641-43 (1976); Link v. Wabash Railway, 370 U.S. 633-34 (1962).

To date, Defendant Patrick M. McGreevy has failed to comply with this Court's Pretrial Order. Specifically, Patrick McGreevy failed to appear at the March 19, 2008 pretrial conference and failed to file a pretrial statement, trial brief, or exhibits with the Court. Accordingly, it is hereby ordered that Patrick McGreevy's answer is stricken from this Court's record for failure to comply with this Court's November 26, 2007 Pretrial Order and judgment is hereby entered by default against Defendant Patrick McGreevy and in favor of Marc P. Gertz, Plaintiff. *See* Bankr.R. 7016(f), 7037(b)(2)(C) and 7041(b).

IT IS SO ORDERED.

Dated, this 24th day of
March, 2008.


JUDGE RANDOLPH BAXTER
UNITED STATES BANKRUPTCY COURT