

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

CARTIE'S HEALTH CENTER : BK No. 99-12544
Debtor : Chapter 11

LOUIS A. GEREMIA, TRUSTEE :
Plaintiff :

v. : A.P. NO. 01-1082

1414 ASSOCIATES, INC., and :
ALFRED CARPIONATO :
Defendants :

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ORDER DENYING MOTION TO DISMISS

Heard on the Defendants' Motion to Dismiss the above captioned Complaint on the grounds that this Court lacks subject matter jurisdiction. Alternatively, the Defendants ask this Court to abstain, in the interest of justice and comity with Rhode Island Courts.

For the reasons argued by the Plaintiff in his memorandum, Docket No. 13, and those articulated at the hearing, which are adopted and incorporated by reference herein, I find that this Court has at least "related to" jurisdiction over this Complaint under 28 U.S.C. § 157(c)(1). Accordingly, Defendants' Motion to Dismiss is DENIED, and based on the current record the Defendants' request for abstention is also DENIED, without prejudice.

Dated at Providence, Rhode Island, this 5th day of December, 2001.

/s/ Arthur N. Votolato
Arthur N. Votolato
U.S. Bankruptcy Judge