

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

JAMIE RODRIGUES : BK No. 00-11297  
MARIA RODRIGUES : Chapter 7  
Debtors :

JAMIE RODRIGUES :  
MARIA RODRIGUES :  
Plaintiffs :

vs. : A.P. No. 00-1123

U.S. BANK :  
Defendant :

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**ORDER GRANTING MOTION FOR PARTIAL SUMMARY JUDGMENT**

Before the Court is the Plaintiffs' Motion for Partial Summary Judgment on Count II of their Complaint. For the reasons argued by the Plaintiffs in their Memorandum, Docket Number 11, and their reply, Docket No. 14, which I adopt and incorporate herein by reference, I find that this matter is ripe for summary judgment and the Plaintiffs' Motion is well founded and the motion is GRANTED. Accordingly, judgment shall enter for the Plaintiffs on Count II of their Amended Complaint. Because the relief sought in Count I of the Plaintiffs' Amended Complaint is duplicative of Count II, Count I is dismissed as moot.

Enter Judgment consistent with this opinion.

Dated at Providence, Rhode Island, this 21<sup>st</sup> day  
of February, 2001.

/s/ Arthur N. Votolato

Arthur N. Votolato  
U.S. Bankruptcy Judge