

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

NEWPORT CREAMERY, INC. : BK No. 01-13196  
Debtor : Chapter 7

ANDREW S. RICHARDSON, TRUSTEE OF :  
THE NEWPORT CREAMERY, INC. :  
Plaintiff :

v. : A.P. No. 01-1120

LINDA D. SWAIN, :  
Defendant :

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**TEMPORARY RESTRAINING ORDER**

After hearing<sup>1</sup> on September 21, 2001 and upon reviewing the Complaint, the motion for temporary restraining order, the accompanying memorandum, and the deposition of Linda D. Swain, I find that immediate and irreparable injury, loss or damage will likely be caused to this estate and its creditors before a hearing on the merits can be held, and that it is crucial to maintain the status quo until that time. See Fed R. Civ. P. 65(b).<sup>2</sup> The Trustee and the Court made many attempts to provide

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<sup>1</sup> The hearing was held telephonically for the convenience of the Defendant, who is reportedly in Florida, but she failed to appear.

<sup>2</sup> This rule is incorporated into bankruptcy by Fed. R. Bankr. P. 7065.

notice of this hearing to the Defendant, including notifying her former attorney Domenic L. Massari, III, Esq., her husband's attorney, Kevin McKenna, Esq., and by leaving messages at her home telephone number.

Based upon the entire record in this case, it is ORDERED that the Defendant Linda D. Swain, her agents and others acting on her behalf or under her direction and control are temporarily, but immediately, enjoined and restrained from transferring, selling, assigning, encumbering, pledging, or donating any asset of any value, including but not limited to cash or funds on deposit, and any interest she may have in real estate located at 1055 Bay Esplanade, Clearwater, Florida or any proceeds in which she may have an interest from the sale or financing of that property, without the prior approval of the Chapter 7 Trustee, or until authorized by the Court.

A hearing on the Trustee's request for a preliminary injunction, including the continuance of the relief granted herein will be held on Thursday, September 27, 2001, at 10:30 a.m. at the United States Bankruptcy Court for the District of Rhode Island.

Dated at Providence, Rhode Island, this 21<sup>st</sup> day of September, 2001, at 5:30 p.m.

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