

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

GREGORY ANTHONY MERCURIO : BK No. 98-14990
Debtor : Chapter 7

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PETER J. FURNESS, TRUSTEE :
Plaintiff :

v. : A.P. No. 03-1019

WRIGHT MEDICAL TECHNOLOGY INC. :
Defendant :

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**ORDER DENYING PLAINTIFF'S REQUEST FOR EVIDENTIARY HEARING
AND MOTION FOR SANCTIONS**

Heard on the written submissions concerning Plaintiff Peter J. Furness's ("Trustee") Motion for Sanctions Against Wright Medical Technology ("Technology") and Request for an Evidentiary Hearing, and the Defendant Technology's Memorandum in Opposition. Upon consideration of the entire record in this 1998 case, I adopt in its entirety Defendant Technology's argument, and incorporate by reference herein its memorandum as the basis for this ruling. The Trustee's argument that sanctions should be imposed three years after resolution of the arbitration is rejected without comment, as it is totally without merit.

The Court feels slightly remiss in not imposing sanctions against the Trustee and/or the Debtor for bringing this meritless motion, in such a transparent attempt to prolong this already protracted litigation. However, in the interest of judicial

economy, and in order to dampen Mr. Mercurio's insatiable appetite to litigate, it is wiser to terminate this case now, than to invite future pleadings by opening up new issues. Accordingly, the Plaintiff's motion is **DENIED**, with prejudice.

So ordered.

A handwritten signature in black ink, reading "Arthur N. Votolato", is positioned above a horizontal line. The signature is written in a cursive style.

Arthur N. Votolato
U.S. Bankruptcy Court

Entered on docket: 3/5/12