

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

EDWARD AND JUDITH DESLAURIERS : BK No. 03-11604  
Debtor(s) Chapter 13

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**ORDER TO APPEAR AND SHOW CAUSE WHY THE ABOVE CAPTIONED  
CASE SHOULD NOT BE DISMISSED WITH A BAR TO REILING**

On January 3, 2001, the above named Debtors filed a skeletal Chapter 13 petition with this Court (BK No. 01-10007) and were represented by Attorney Donald Nasif. After the Debtors failed to appear at the Section 341 meeting of creditors, the Chapter 13 Trustee moved to dismiss the Debtors' case, and on June 28, 2001, an Order entered dismissing the case. On September 4, 2001, the Debtors filed a second skeletal Chapter 13 petition, this time represented by Peter Iascone, Esq. (BK No. 01-13409). Again, after failing to appear at the scheduled 341 meeting, the Trustee moved to dismiss the case, and after hearing on January 3, 2002, the case was dismissed. On June 20, 2002, the Debtors filed their third skeletal Chapter 13 petition (BK No. 02-12375), represented by Attorney Elizabeth Cuzzone.<sup>1</sup> On September 9, 2002, the Trustee filed a Motion to

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<sup>1</sup> Attorneys Cuzzone and Nasif both moved to withdraw as attorney of record after a breakdown in communication with the Debtors.

Convert the case to Chapter 7 pursuant to 11 U.S.C. § 1307(c)(1). On September 26, 2002, with no objections filed, the case was converted. Shortly thereafter, the Debtors were ordered to show cause why the case should not be dismissed for failure to file a schedule of post conversion debts, and on November 25, 2002, because the Debtors failed to respond to the Order to Show Cause, their third bankruptcy case was dismissed. Approximately one month later, on December 26, 2002, the Debtors filed their fourth Chapter 13 petition, this time *pro se*. At the time of the filing, the Debtors made no payment with the petition, but filed an application to pay the filing fee in installments, with the first payment due on January 3, 2003. After numerous orders to show cause why the case should not be dismissed for failure to pay the filing fee, and after requests by the Debtors for extensions of time to pay the fee, the Debtors' case was ultimately dismissed on March 10, 2003 for failure to pay the installment payments. On April 23, 2003 the Debtors moved to vacate the dismissal, and to extend until May 4, 2003, the time within which to pay the entire filing fee. The Trustee filed an objection to the Motion to Vacate, and the matter is currently scheduled for hearing on May 6, 2003. In

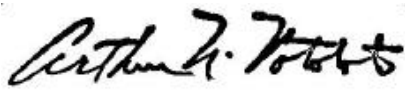
addition, there is a pending motion filed by the Chapter 13 Trustee to dismiss the case, based on the Debtors' failure to attend the Section 341 meeting (again). Presently before the Court is the Debtors' *fifth* Chapter 13 petition, filed on May 1, 2003, again *pro se*, with no filing fee.

The Debtors' track record in their five bankruptcy cases filed with this Court over the last 28 months suggests a complete disregard of the Bankruptcy Code, the Bankruptcy Rules, and this Court's orders. Accordingly, Edward and Judith Deslauriers are **ORDERED TO APPEAR AND SHOW CAUSE, before the Court, on May 6, 2003 at 9:30 a.m.** at U.S. Bankruptcy Court, 6<sup>th</sup> Floor Courtroom, 380 Westminster Mall, Providence, Rhode Island, why their conduct should not be deemed a willful and deliberate abuse of the bankruptcy process, and why the above captioned Chapter 13 case should not be dismissed, with prejudice, as a bad faith filing pursuant to 11 U.S.C. § 1307(c).

ORDER:

ENTER:

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Deputy Clerk

  
\_\_\_\_\_  
Arthur N. Votolato  
U.S. Bankruptcy Judge  
Date: 5/2/2003

BK No. 03-11604

Entered on Docket:  
Document Number: \_\_\_\_\_