

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. 01-1118

ROBERT E. SWAIN, :  
ROCOMI ENTERPRISES, LLC, :  
NEWPORT CREAMERY, L.P., :  
NEWBERG, L.P., :  
NEWHART, L.P., and :  
TARPON HIGHLANDS DEVELOPMENT :  
CORPORATION :

Defendants

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**TEMPORARY RESTRAINING ORDER**

After hearing on September 14, 2001 and upon reviewing the Complaint and the attached affidavits of Keith D. Lowey, CPA and Richard Fenstermaker, and the January 19, 2001 partial transcript of the deposition of Linda D. Swain, I find that it clearly appears from the facts alleged in the Complaint, the attached affidavits and exhibits, and the representations of the Chapter 7 Trustee, Andrew Richardson, Esq., that immediate and irreparable injury, loss or damage will likely be caused to this estate and its creditors before a full hearing can be held and

that it is crucial to maintain the status quo until such time. See Fed R. Civ. P. 65(b).<sup>1</sup> Accordingly, it is ORDERED that the Defendants: Robert E. Swain, Racomi Enterprises, LLC, Newport Creamery, L.P., Newberg, L.P., Newhart, L.P. and Tarpon Highlands Development Corporation, their agents, officers, employees, successors and assigns are temporarily, but immediately, enjoined and restrained from transferring, encumbering, selling, or assigning any asset of any value including but not limited to cash or funds on deposit, without the prior approval of the Chapter 7 Trustee, until further order.

A hearing on the Trustee's Emergency Motion for Administrative Orders and request for a preliminary injunction, including the continuance of the relief granted herein will be held on Tuesday, September 18, 2001, at 9:30 a.m. at the United States bankruptcy Court for the District of Rhode Island.

Dated at Providence, Rhode Island, this 14<sup>th</sup> day of September, 2001, at 5:45 p.m.

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

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<sup>1</sup> This rule is incorporated into bankruptcy by Fed. R. Bankr. P. 7065.