

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FILED

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U.S. DISTRICT COURT
W.D.N.Y.

LOUIS PAUL MASSA,

Appellant,

No. 98-CV-6069

-vs-

C. DONALD ADDONA, REBECCA ADDONA,
PETER CRAIG, KNAUF & CRAIG, LLP, and
A. CLARK CANNON,

Appellees.

DECISION AND ORDER

Before the Court is an appeal from a Decision and Order of the United States Bankruptcy Court, the Honorable John C. Ninfo, II, entered February 4, 1998, which denied the appellant's motion for an order finding appellees in contempt for violating the permanent injunction of 11 U.S.C. § 524. For the reasons that follow, that Decision and Order is affirmed.

BACKGROUND

The facts of this case are set out in the bankruptcy court's opinion, familiarity with which is assumed. *See, In re Louis Paul Massa*, 217 B.R. 412 (Bankr.W.D.N.Y.1998).

ANALYSIS

The Court has jurisdiction to hear this appeal pursuant to 28 U.S.C. § 158(a). The Court must accept the bankruptcy judge's findings of fact unless they are "clearly erroneous." Bankruptcy Rule 8013. The bankruptcy judge's conclusions of law are reviewed de novo. *In re Lehal Realty Assocs.*, 101 F.3d 272,276 (2d Cir. 1996).

Upon a careful review of the record, the Court finds that none of Judge Ninfo's factual assertions are clearly erroneous. Moreover, after conducting a de novo review of the legal conclusions, and upon consideration of the briefs and oral arguments of counsel, the Court concurs with Judge Ninfo's conclusions of law. Accordingly, the Court affirms the Order for the reasons stated in Judge Ninfo's well-reasoned decision. See also, *Zachery v. Whalen*, 1994 WL 411526 at *5-6 (N.D.N.Y. July 26, 1994) and *In re Stewart*, 208 B.R. 921 (Bankr. E.D. Ark. 1997).

CONCLUSION

Accordingly, the Decision and Order of the Bankruptcy Court entered February 4, 1998, is affirmed.

So ordered.

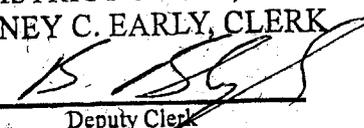
Dated: Rochester, New York
July 7, 1998

ENTER:



CHARLES J. SIRAGUSA
United States District Judge

ATTEST: A TRUE COPY
U.S. DISTRICT COURT, WDNY
RODNEY C. EARLY, CLERK

By 
Deputy Clerk

Original Filed 7-9-98

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Massa

Plaintiff(s)

v.

6:98-cv-06069

Addona

Defendant(s)

PLEASE take notice of the entry of an ORDER filed on
7/9/98, of which the within is a copy, and entered 7/9/98
upon the official docket in this case. (Document No. 8 .)

Dated: Rochester, New York
July 9, 1998

RODNEY C. EARLY, Clerk
U.S. District Court
Western District of New York
2120 U.S. Courthouse
100 State Street
Rochester, New York 14614

Enclosure

TO:

David MacKnight, Esq.
Peter J. Craig, Esq.
Peter J. Craig
C. Clark Cannon

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