

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re

LEO M. MICHALEK, JR.

Case No. 91-14310 K

Debtor

NORSTAR BANK, NATIONAL ASSOCIATION

Plaintiff

-vs-

AP 92-1095 K

LEO M. MICHALEK, JR.

Defendant

BEFORE THE HON. MICHAEL J. KAPLAN:

A pre-trial conference having been held at which Roy Wixson, Esq. appeared on behalf of the debtor, and Janet Burhyte, Esq. appeared on behalf of the plaintiff (Norstar Bank, N.A.); and the plaintiff having expressed its intent to move for summary judgment on the counterclaims of the debtor (hinged upon the res judicata effect of a State Court judgment); and the debtor having expressed an intent to discover certain documents in order to determine whether to move in State Court to seek relief from that judgment (and having requested that this action be held in abeyance, pending that determination); and the plaintiff having objected to any delay in this proceeding; it is hereby

ORDERED, pursuant to Rule 16 of the Federal Rules of Civil Procedure and Rule 7016 of the Federal Rules of Bankruptcy Procedure, that:

1. The debtor/defendant shall, within 30 days, make any discovery requests necessary to its determination of whether to

pursue State Court remedies; and

2. An adjourned pre-trial conference is scheduled for July 30, 1992 at 2:00 p.m., at which time it will be determined how to proceed with this action.

Dated: June 12, 1992

BY THE COURT

/S/ MICHAEL J. KAPLAN

MICHAEL J. KAPLAN
U.S.B.J.