



Entered on Docket
June 08, 2007

Hon. Linda B. Riegler
United States Bankruptcy Judge

AUGUST B. LANDIS, ASSISTANT UNITED STATES TRUSTEE
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UNITED STATES DEPARTMENT OF JUSTICE
Office of the United States Trustee
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Las Vegas, Nevada 89101
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Attorneys for the Acting United States Trustee,
SARA L. KISTLER

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

JOSEPH D. MILANOWSKI,

Debtor.

Chapter 11 - Involuntary

Case No. BK-S-07-13162-LBR

Date: June 4, 2007

Time: 1:30 p.m.

ORDER FOR APPOINTMENT OF AN INTERIM TRUSTEE

This matter came on for hearing pursuant to the Emergency (1) Motion Under 11 U.S.C. §§ 303(f) and (g), 105 and 1104(a) for an Order Appointing an Interim Trustee, and (2) Ex Parte Motion for an Order Immediately Restricting the Alleged Debtor's Business-Related Activities Pending Appointment of an Interim Trustee. The motion was filed by USA Capital Diversified

1 Trust Deed Fund, LLC ("**Diversified**") and the UASCM Liquidating Trust ("**Trust**"), two of
2 the three petitioning creditors¹ in this involuntary case.

3 For the reasons stated on the record at the hearing, the Court is satisfied that sufficient
4 notice of the motion and hearing was provided. No written opposition to the motion was filed by
5 or on behalf of the alleged debtor, Joseph D. Milanowski; however, Russell Walker appeared on
6 Mr. Milanowski's behalf and argued against the relief requested in the motion. Marc Levinson,
7 Jeffery D. Hermann, and Anne Loraditch appeared on behalf of Diversified. Rob Charles
8 appeared on behalf of the Trust. Assistant United States Trustee August B. Landis appeared on
9 behalf of the United States Trustee. Other appearances were noted on the record, and arguments
10 were made concerning the relief requested in the motion.

11 The Court has reviewed and considered the motion, the various declarations submitted in
12 support of the motion, and the arguments of counsel made at the June 4, 2007 hearing. Pursuant
13 to the Court's findings of fact and conclusions of law made on the record during the June 4, 2007
14 hearing in accordance with FED. R. BANKR. P. 9016(c) and 7052:

15 **IT IS ORDERED** that, pursuant to 11 U.S.C. § 1104(a), and in the alternative pursuant
16 to 11 U.S.C. §§ 303(g) and 105(a), the United States Trustee shall appoint an interim trustee to
17 take immediate possession of the property of the estate and to operate any business of the debtor.

18
19 **Submitted by:**

20 SARA L. KISTLER
21 ACTING UNITED STATES TRUSTEE
22 REGION 17

23 By: /s/ August B. Landis
24 August B. Landis
25 Assistant United States Trustee
26 Las Vegas, Nevada

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28 ¹The third petitioning creditor is Nevada State Bank.

1 **Approved/Disapproved**

Approved/Disapproved

2 **ORRICK, HERRINGTON &
3 SUTCLIFFE, LLP**

LEWIS AND ROCA, LLP

4
5 By: _____
6 Marc A. Levinson
7 Jeffery D. Hermann

By: _____
Rob Charles
*Attorneys for Petitioning Creditor, USACM
Liquidating Trust*

7 **-AND-**

8 **Approved / Disapproved:**
9 **BECKLEY SINGLETON, CHARTERED**

Approved / Disapproved:
WOODBURY & KELSER, P.C.

10
11 By: _____
12 Anne M. Loraditch

By: _____
Russell S. Walker

13 *Attorneys for Petitioning Creditor, USA
14 Capital Diversified Trust Deed Fund, LLC*

*Attorneys for Alleged Debtor, Joseph D.
Milanowski*

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RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies that:

- The Court waived the requirements of Local Rule 9021.
- A copy of this proposed order has been delivered to the following attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection, and they have:

- Approved the form of this order
- Waived signature in open court; and/or
- Failed to file and serve papers in accordance with Local Rule 9021(c).

I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection, and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with Local Rule 9021(c), and the following have disapproved the order:

No opposition was filed in response to the motion, and no other party or counsel appeared at the hearing.

**SARA L. KISTLER
ACTING UNITED STATES TRUSTEE
REGION 17**

By: /s/ August B. Landis
August B. Landis
Assistant United States Trustee
Las Vegas, Nevada

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