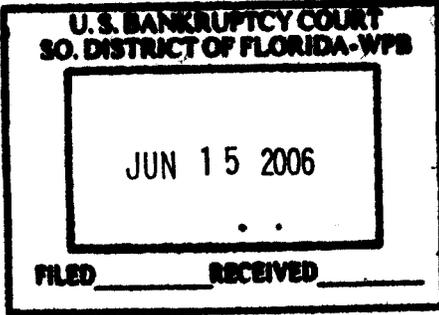


ORDERED in the Southern District of Florida on JUN 15 2006



Paul G. Hyman, Judge
United States Bankruptcy Court



UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
West Palm Beach Division

IN RE:

CASE NO: 03-32158-BKC-PGH

JAMES F. WALKER,
Debtor.

Chapter 7 Proceedings

ORDER DENYING REQUESTED RELIEF IN MARY ALICE GWYNN'S RESPONSE TO
DEBTOR'S EMERGENCY MOTION FOR EXTENSION, CONTINUANCE AND
MODIFICATION OF RULING DATED MAY 26, 2006

THIS MATTER came before the Court upon Mary Alice Gwynn's ("Gwynn") *Response to Debtor's Emergency Motion for Extension, Continuance and Modification of Ruling Dated May 26, 2006* [C.P. 1573] (the "Response"). Although it is characterized as a "response", court paper 1573 seeks affirmative relief, and therefore it should have been filed as a "motion". If Gwynn is seeking injunctive relief, she must file an adversary proceeding pursuant to Bankruptcy Rule 7001 et seq.

The Court has resolved most, if not all, of the allegations

contained in Gwynn's Response. See Order Removing Trustee From Chapter 7 Case [C.P.634] and Order Granting Emergency Motion To Remove Trustee, Linda J. Walden, Pursuant to 11 U.S.C. §324 For Fraud Upon the Court [C.P.649] *aff'd on appeal* Order Affirming Orders of Bankruptcy Court entered February 15, 2005 by U.S. District Court Judge William P. Dimitrouleas [C.P. 1331]; Memorandum Order [C.P.1472]; Order Granting Debtor, James F. Walker's Emergency Motion for Default Judgment Against Eleanor C. Cole as Sanctions for Refusal to Obey Subpoena, Appear and Testify at Deposition, and Amended Motion to Strike Claim[C.P.805] (striking the claim of Gwynn's client, Eleanor C. Cole, based upon Cole's refusal to participate in discovery after twenty months and numerous requests for continuances) *see e.g. Motion of Mary Alice Gwynn to Continue July 21, 2004 Hearings...* [C.P. 475] (continuance requested based upon Gwynn's "major depressive disorder"), *see also Notice of Filing Affidavit of Judith A. Persin In Support of Motion to Reconsider, Rehear or Amend Order [Granting Protective Order]* [C.P.431] (affidavit of Gwynn's legal assistant describing Gwynn's behavior); Order Granting Debtor, James F. Walker's Emergency Motion for Default Judgment Against Florida Precision Calipers, Inc. ["FPC"], and Carl J. Shui and Striking Pleadings and Proof of Claim [C.P.832] (striking FPC's proof of claim based upon Carl Shui's willful refusal to participate in discovery after eight months); Order Denying Motion for All Remedies [C.P. 1103] (finding

that the guarantee of payment to counsel by debtor's wife was disclosed to the U.S. Trustee on August 14, 2003 and that contrary to Gwynn's allegation the Bankruptcy Rules did not require court approval for the fee arrangement); Order: 1) Denying Mary Alice's Gwynn's Motion for Rehearing and Reconsideration of the Court's Sua Sponte Order Directing Mary Alice Gwynn, Esq., to Stop Filing Notices of Filing (C.P.1531); 2) Imposing Sanctions; and 3) Striking Court Paper Nos. 1529 and 1530 [C.P. 1550]; Order on Order to Show Cause [C.P.1553].

Rule 4-8.2 (a) of the Florida Bar's Rules of Professional Conduct entitled "Maintaining the Integrity of the Profession: Judicial and Legal Officials" states:

(a) Impugning Qualifications and Integrity of Judges or Other Officers.

A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, mediator, arbitrator, adjudicatory officer, public legal officer, juror or member of the venire, or candidate for election or appointment to judicial or legal office.

The Court is herewith referring Gwynn's Response to the Florida Bar for investigation as to whether the Response violates Rule 4-8.2(a).

The Court having reviewed the Response and being otherwise fully advised is the premises hereby:

ORDERS AND ADJUDGES for the reasons stated herein that the relief requested in the Response is **DENIED**.

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Copies Furnished To:

✓ Mary Alice Gwynn, Esquire

Aviva Wernick, Esq.

Gary J. Rotella, Esq.

22-0115/06 ✓
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