

**In re FINANCIAL FEDERATED TITLE & TRUST, INC.
a/k/a Asset Security Corp. , a/k/a Viatical Asset Recovery Corp.,
a/k/a Quad-B-Ltd., a/k/a American Benefits Services, Inc., Debtor.**

John W. Kozyak, Trustee Plaintiff,

v.

**Cheryl Poindexter, individually; and AWE Entertainment, Inc.,
f/k/a AWE Productions, Inc., d/b/a Poindexter Design
and/or Poindexter Design Publications, Defendants**

Case No. 99-26616-BKC-RBR

No. 00-2130-BKC-RBR-A

(Cite as: 252 B.R. 834)

The trustee filed an adversary complaint to avoid fraudulent transfers. On of the defendants moved to stay the adversary proceeding pending the outcome of a related criminal case because the defendant planed to invoke the Fifth Amendment privilege. The defendant contended that to proceed with the Adversary Proceeding would force her to choose between invoking the privilege and testifying in her defense, amounting to an unconstitutional infringement on her constitutional rights. Under the applicable standard, the defendant must show that invocation of the privilege in the instant Adversary Proceeding will result in certain loss by automatic summary judgment. In this case, the Court found that defendant's refusal to testify would not give rise to automatic liability subjecting the defendants to an unfavorable summary judgment. Motion denied.