

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Bankruptcy Judge
Sacramento, California

April 28, 2015 at 1:30 p.m.

1. [10-48239-E-7](#) BARBARA STEWART AND WAYNE CONTINUED STATUS CONFERENCE RE:
[15-2019](#) STEWART COMPLAINT
STEWART ET AL V. ROSS ET AL 1-22-15 [[1](#)]
ADV. CASE DISMISSED 3/23/15

Final Ruling: No appearance at the April 28, 2015 Status Conference is required.

Plaintiff's Atty: Michael A. Scheibli
Defendant's Atty: David M. Brady

Adv. Filed: 1/22/15
Answer: none

Nature of Action:
Recovery of money/property - other
Injunctive relief - imposition of stay
Declaratory judgment

The Adversary Proceeding having been dismissed, the Status Conference is removed from the calendar.

Notes:

Continued from 4/1/15. The court having dismissed without prejudice the Complaint on 3/23/15; No motion to file an amended complaint filed on or before 4/13/15.

Adversary Proceeding dismissed 3/23/15

2. [15-20250-E-13](#) ANTHONY HARRIS
RHS-1
CASE DISMISSED 2/2/15

ORDER TO SHOW CAUSE
3-27-15 [[23](#)]

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law:

The Order to Show Cause was served by the Clerk of the Court on Anthony Harris ("Debtor"), Trustee, and the Office of the United States Trustee on March 27, 2015. The court computes that 32 days' notice has been provided.

The court's decision is to sustain the Order to Show Cause and issue a pre-filing review requirement for any further cases filed in the next eight years.

On March 27, 2015, the court issued an Order to Show Cause, ordering the following:

IT IS ORDERED that the Debtor shall appear before the court on April 28, 2015, at 1:30 p.m. to show why the court should not issue an order, pursuant to 11 U.S.C. §105, §349, §362(d)(4), and the inherent power of the federal court, which constitutes,

1. An injunction or bar on the filing of further bankruptcy cases by Anthony Harris for a period of eight (8) years unless the prior authorization is obtained from the Chief Bankruptcy Judge in the District in which he desires to file a bankruptcy case.

2. Requiring that the Debtor pay all filing fees at the time a new case is commenced, and prohibiting Debtor from obtaining a fee waiver or authorization to pay filing fees in installments.

3. Authorizing and ordering the Office of the Clerk to not file any bankruptcy petition filed by Anthony Harris which is not approved for filing by the Chief Judge for the Bankruptcy District in which Anthony Harris attempts to file a bankruptcy case.

IT IS FURTHER ORDERED that any response or opposition to the Order to Show Cause shall be in writing and filed with the court in compliance with Local Rule 9014-1, and must be filed at least fourteen (14) days before the date of the hearing set forth in this order.

RESPONSES

To date, there have been no responses or oppositions filed in connection with the instant Order to Show Cause.

DISCUSSION

The court has reviewed the files in this case; the Debtor having filed the instant Chapter 13 bankruptcy case, no. 15-20250 on January 14, 2015.

The court has identified the prior bankruptcy cases having been filed by the Debtor and dismissed for the Debtor's failure to comply with the basic obligations arising under the Bankruptcy Code:

1. Chapter 13 Case No. 06-20841, filed by Anthony Harris on March 29, 2006, which was dismissed by order entered on May 9, 2006, for unreasonable delay and failure to file the following documents,

Chapter 13 Plan,
Exhibit D with Certificate for Debtor,
Means Test - Form 22C,
Schedule A - Real Property,
Schedule B - Personal Property,
Schedule C - Exempt Property,
Schedule D - Secured Claims,
Schedule E - Unsecured Priority Claims,
Schedule F - General Unsecured Claims,
Schedule G - Executory Contracts,
Schedule H - Co-Debtor(s),
Schedule I - Current Income,
Schedule J - Current Expenses,
Statement of Financial Affairs,
Statistical Summary, and
Summary of Schedules;

2. Chapter 7 Case No. 14-29912, filed by Anthony Harris on October 3, 2014, which was dismissed by order entered on October 14, 2014, for the failure to file the following documents,

Verification and Master Address Lis,
Means Test - Form 22A,
Schedule A - Real Property,
Schedule B - Personal Property,
Schedule C - Exempt Property,
Schedule D - Secured Claims,
Schedule E - Unsecured Priority Claims,
Schedule F - General Unsecured Claims,
Schedule G - Executory Contracts,
Schedule H - Co-Debtor(s),
Schedule I - Current Income,
Schedule J - Current Expenses,
Statement of Financial Affairs,
Statistical Summary, and
Summary of Schedules;

3. Chapter 13 Case No. 14-30708, filed by Anthony Harris on

October 30, 2014, and dismissed by the court on November 17, 2014, for the failure to file the following documents,

Chapter 13 Plan,
Means Test - Form 22C,
Schedule A - Real Property,
Schedule B - Personal Property,
Schedule C - Exempt Property,
Schedule D - Secured Claims,
Schedule E - Unsecured Priority Claims,
Schedule F - General Unsecured Claims,
Schedule G - Executory Contracts,
Schedule H - Co-Debtor(s),
Schedule I - Current Income,
Schedule J - Current Expenses,
Statement of Financial Affairs,
Statistical Summary, and
Summary of Schedules;

4. Chapter 13 Case No. 14-31801, filed by Anthony Harris on December 3, 2014, and dismissed by the court on December 22, 2014, for the failure to file the following documents,

Chapter 13 Plan,
Means Test - Form 22C,
Schedule A - Real Property,
Schedule B - Personal Property,
Schedule C - Exempt Property,
Schedule D - Secured Claims,
Schedule E - Unsecured Priority Claims,
Schedule F - General Unsecured Claims,
Schedule G - Executory Contracts,
Schedule H - Co-Debtor(s),
Schedule I - Current Income,
Schedule J - Current Expenses,
Statement of Financial Affairs,
Statistical Summary, and
Summary of Schedules.

5. The Debtor requesting and obtaining authorization to pay the filing fees in installments in four of the above cases and failing to make any installments, resulting in the following unpaid filing fees,

- a. Case No. 15-20250, Chapter 13 filing fee of \$310.00;
- b. Case No. 14-29912, Chapter 7 filing fee of \$335.00;
- c. Case No. 14-30708, Chapter 13 filing fee of \$310.00;
- d. Case No. 14-31801, Chapter 13 filing fee of \$310.00.

In the present case the Debtor again failed to take any affirmative action to prosecute the bankruptcy case.

The bankruptcy courts are established by an act of Congress and the All Writs Act, 28 U.S.C. § 1651(a), and 11 U.S.C. §105 provide the bankruptcy courts with the inherent power to enter pre-filing orders against vexatious litigants. . Molski v. Evergreen Dynasty Corp, et al, 500 F.3d 1047 (9th Cir.

2007); *Gooding v Reid, Murdock & Co.*, 177 F.684, (7th Cir. 1910), *Weissman v. Quail Lodge Inc.*, 179 F.3d 1194, 1197 (9th Cir. 1999), and *In re Bialac* 15 B.R. 901, 9th Cir. B.A.P. 1981), *affd* 694 F.2d 625 (9th Cir. 1982). A court must be able to regulate and provide for the proper filing and prosecuting of proceedings before it. 11 U.S.C. §105(a) expressly grants the court the power to issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. Further, the court is authorized to sua sponte take any action or make any determination necessary or appropriate to enforce or implement court orders or rules, or to prevent an abuse of process. This power exists, and it does not matter whether it is being exercised pursuant to 11 U.S.C. §105 or the inherent power of the court. *In re Volpert*, 110 F.3d 494, 500 (7th Cir. 2007); and *Peugeot v. U.S. Trustee (In re Crayton)*, 192 B.R. 970, 976 (B.A.P. 9th Cir. 1996).

The Ninth Circuit Court of Appeals re-stated the grounds and methodology for pre-filing review requirements as an appropriate method for the federal courts in effectively managing serial filers or vexatious litigants. *Molski v. Evergreen Dynasty Corp, et al*, 500 F.3d 1047 (9th Cir. 2007), *en banc* hearing denied, 521 F.3d 1215 (9th Cir. 2008); and *In re Fillbach*, 223 F.3d 1089 (9th Cir. 2000). While maintaining the free and open access to the courts, it is also necessary to have that access be properly utilized and not abused. The abusive filing of bankruptcy petitions, motions, and adversary proceedings for purposes other than as allowed by law diminishes the quality of and respect for the judicial system and laws of this country.

However, the Ninth Circuit clearly draws the line that a person's right to present claims and assert rights before the federal courts is not a license to abuse the judicial process and treat the courts merely as a tool to abuse others.

Nevertheless, "[f]lagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants." *De Long [v. Hennessy]*, 912 F.2d [1144,] 1148 [(9th Cir. 1990)]; see *O'Loughlin v. Doe*, 920 F.2d 614, 618 (9th Cir. 1990).

Molski, 500 F.3d at 1057. In the Ninth Circuit the trial courts apply a four-factor analysis in determining if and what type of pre-filing or other order should properly be issued based on the conduct of the party at issue.

1. First, the litigant must be given notice and a chance to be heard before the order is entered.
2. Second, the district court must compile "an adequate record for review."
3. Third, the district court must make substantive findings about the frivolous or harassing nature of the plaintiff's litigation.
4. Finally, the vexatious litigant order "must be narrowly tailored" to closely fit the specific vice encountered.

Molski, 500 F.3d at 1057-1058.

The Debtor's repetitive filing of bankruptcy cases without the basic documents and otherwise failing to meet her basic duties as a debtor under the Bankruptcy Code demonstrates abusive conduct and misuse of the bankruptcy laws. Though the bankruptcy court is open to all and a person's financial, personal, or other missteps are not a bar to seeking the extraordinary relief available, debtors must seek the relief and prosecute the cases in good faith. In this case the Debtor has chosen to repeatedly file a series of Chapter 13 cases in which he has failed to file necessary documents or pay the filing fees imposed by federal law. The Debtor has demonstrated, through the repeated Chapter 13 cases which have not been prosecuted, that this and the prior Chapter 13 cases do not have merit as a reorganization.

Even more insidious is that the repeat filing of bankruptcy cases by a debtor wastes that debtor's legal rights; such as the termination or suspension of the automatic stay pursuant to 11 U.S.C. § 362(c)(3) and (4), and the prospective suspension of the automatic stay pursuant to 11 U.S.C. § 362(d)(4). Additional, the debtors wastes time, money, and emotional capital riding the roller coaster of multiple filings and dismissals.

The Debtor's failure to prosecute this case is further highlighted by the Debtor's failure to file any responsive pleadings to the instant Order to Show Cause. Once again, the Debtor is not prosecuting this case in good faith, as in his previous cases, and has allowed his duties as a debtor to lapse.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is sustained.

IT IS FURTHER ORDERED that Curtis Heigher is barred from filing any further bankruptcy cases for a period of eight (8) years unless the prior authorization is obtained from the Chief Bankruptcy Judge in the District in which he desires to file a bankruptcy case.

IT IS FURTHER ORDERED that the Clerk of the Bankruptcy Court, and deputy clerks operating under the direction and control of the Clerk of the Court, are authorized to reject any petition attempted to be filed by Raj Singh, the Debtor in this case, during the eight (8) year period of the injunction issued in this order, if there is not the prior authorization from the Chief Bankruptcy Judge for the District.

IT IS FURTHER ORDERED that the Debtor shall pay all filing fees at the time a new case is commenced, and Debtor is prohibited from obtaining a fee waiver or authorization to pay filing fees in installments.

April 28, 2015 at 1:30 p.m.

3. [11-48055-E-13](#) CURTIS HEIGHER
PLC-7

CONTINUED OBJECTION TO NOTICE
OF MORTGAGE PAYMENT CHANGE
2-9-15 [[100](#)]

Final Ruling: No appearance at the April 28, 2015 hearing is required.

Local Rule 9014-1(f)(1) Motion.

Correct Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Chapter 13 Trustee, Creditor, and Office of the United States Trustee on February 9, 2015. By the court's calculation, 78 days' notice was provided. 28 days' notice is required.

The Objection to Notice of Mortgage Payment Change has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the non-responding parties and other parties in interest are entered. Upon review of the record there are no disputed material factual issues and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

The Objection to Notice of Mortgage Payment Change is continued to 1:30 p.m. on June 2, 2015.

Curtis Heigher ("Debtor") filed the instant Objection to Notice of Mortgage Payment Change and Request for Attorney's Fees on February 9, 2015. Dckt. 100.

ORDER CONTINUING HEARING

On March 31, 2015, the court continued the hearing to 1:30 p.m. on April 28, 2015, pursuant to a stipulation filed by the parties. Dckt. 108.

STIPULATION

On April 24, 2015, the parties filed a stipulation requesting that the hearing be continued to 1:30 p.m. on June 2, 2015 and that the deadline to respond to the Objection be extended to May 19, 2015. Dckt. 116.

DISCUSSION

In light of the parties stipulation, the court continues the hearing to 1:30 p.m. on June 2, 2015. The court further orders any response to the instant Objection be filed and served on or before May 19, 2015.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to Notice of Mortgage Payment change filed by Debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the objection is continued to 1:30 p.m. on June 2, 2015.

IT IS FURTHER ORDERED that any responses shall be filed and served on or before May 19, 2015.

Tentative Ruling: The Motion for Turnover was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(3). Consequently, the Debtor, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(iii).

Local Rule 9014-1(f)(3) Motion.

Correct Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, Chapter 7 Trustee, parties requesting special notice, and Office of the United States Trustee on April 13, 2015. By the court's calculation, 15 days' notice was provided.

The Motion for Turnover was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(3). The Debtor, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. At the hearing -----
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The Motion for Turnover is granted.

John Roberts, the Chapter 7 Trustee, ("Movant") in the above entitled case and moving party herein, seeks an order for turnover as to:

1. Stanislav Lazutkine's ("Debtor") passports
2. 100% of the stock certificates or equivalent in all of the entities which compromise the "Metprom" group of companies which are as follows: 000 Metpromproekt; 000 Metprom; ZAO Metpromproekt; 000 Metpromservice; 000 Metpromstal; 000

Metpromukraina; Steel Power Trade.

3. All financial records of Metprom including an accounting of all incomes and expenses of Metprom since the filing of Debtor's bankruptcy case on February 13, 2013.

The Movant states that the Debtor is a citizen of both the United States and of Russia. The Movant requests the passports based on the alleged implicit finding in the state court divorce proceeding that Debtor is a flight risk. The Movant relies on transcripts from the state court proceeding to support this allegation.

DEBTOR'S RESPONSE

The Debtor filed a response to the instant Motion on April 14, 2015. Dckt. 156. The Debtor states that he did not and does not assert any legal, financial, or other beneficial ownership in any of the entities which are subject of the Motion. The Debtor states that at the continued Meeting of Creditors he testified that his stepfather may have designated Debtor as "nominal holder of shares" in the entities in the Motion. Debtor states that he further testified that he did not have possession or control of the shares or stock certificates or other indicia of ownership in such entities, and thus had nothing to turnover.

Debtor states that he has executed and attached Quitclaim Assignment and that Debtor's counsel will deliver the "wet signature" original of such to the Trustee or his counsel.

DEBTOR'S SUPPLEMENTAL OPPOSITION

The Debtor filed a supplemental opposition to the instant Motion on April 24, 2015. Dckt. 158. The Debtor restates that the he has never had possession or control of any shares or stock certificates or other indicia of ownership in the entities. The Debtor states he has no objection to the Trustee's intent to take possession of whatever right, title, and interest Debtor may have in the shares and agrees that such shares would likely be property of the estate. On April 16, 2015, the Debtor states that he executed another Quitclaim Assignment in the presence of a Notary Public which the Debtor will bring the "wet signature" to at the hearing.

The Debtor argues that the Quitclaim Assignment should suffice since it is legally sufficient to transfer to the Trustee and the estate any and all right, title and interest which the Debtor may have.

As to the Trustee's request for turnover of the passports, the Debtor objects stating that the Trustee fails to prove that the passports could be used, soled, or leased or why such passports are not inconsequential or benefit to the estate. The Debtor argues that the turnover of the passports would, in fact, be a sanction.

Furthermore, the Debtor states that while his current primary residence is in Russia, he has continued to maintain and monitor a mailing address in the Eastern District of California and has continued to be represented in his bankruptcy case. The Debtor argues that the surrender of his passports would adversely affect his ability to earn a living.

DISCUSSION

11 U.S.C. § 542 and Federal Rule of Bankruptcy Procedure 7001(1) permit a motion to obtain an order for turnover of property of the estate if the debtor fails and refuses to turnover an asset voluntarily. Federal Rule of Bankruptcy Procedure 7001(1) defines an adversary proceeding as,

(1) a proceeding to recover money or property, other than a proceeding to compel the debtor to deliver property to the trustee, or a proceeding under § 554(b) or § 725 of the Code, Rule 2017, or Rule 6002.

In this case, Trustee has initiated this proceeding to compel Debtors deliver property to the Trustee. Federal Rule of Bankruptcy Procedure permits the trustee to obtain turnover from the Debtor without filing an adversary proceeding. This Motion for the injunctive relief, in the form of a court order requiring that Debtors turnover specific items of property, is therefore appropriate under Federal Rule of Bankruptcy Procedure 7001(1).

The filing of a bankruptcy petition under 11 U.S.C. §§ 301, 302 or 303 creates a bankruptcy estate. 11 U.S.C. § 541(a). Bankruptcy Code Section 541(a)(1) defines property of the estate to include "all legal or equitable interests of the debtor in property as of the commencement of the case." If the debtor has an equitable or legal interest in property from the filing date, then that property falls within the debtor's bankruptcy estate and is subject to turnover. 11 U.S.C. § 542(a).

A bankruptcy court may order turnover of property to debtor's estate if, among other things, such property is considered to be property of the estate. *In re Hernandez*, 483 B.R. 713 (B.A.P. 9th Cir. 2012); See also 11 U.S.C.A. §§ 541(a), 542(a). Section 542(a) requires one in possession of property of the estate to deliver such property to the Trustee. Pursuant to 11 U.S.C. § 542, a Trustee is entitled to turnover of all property of estate from Debtors. Most notably, pursuant to 11 U.S.C. § 521(a)(4), the Debtor is required to deliver all of the property of the estate and documentation related to the property of the estate to the Chapter 7 Trustee.

First, to address the Trustee's request for Debtor's passports, the Trustee has not provided any argument or precedence that either shows that passports are property of the estate under 11 U.S.C. § 541 or whether such order is even appropriate in the context of 11 U.S.C. § 542. The Trustee relies on the "implicit" finding of the state court judge that the Debtor is a flight risk. However, the Trustee has not shown how the Debtor is a flight risk in the bankruptcy case or how the mere fact the Debtor is a dual citizen supports such a request. The court agrees with the Debtor that the turnover of the Debtor's passports is more akin to a sanction rather than a request for turnover of property of the estate. In that regards, the Trustee has failed to point to any court orders that the Debtor has violated to justify sanctioning the Debtor in this way. Therefore, the Trustee's request for turnover of the Debtor's passports is denied.

As to the Trustee's remaining requests, the court finds that the Debtor's Quitclaim Assignment is not sufficient. The Debtor indicates that he is in fact a "nominal holder of shares." While the Debtor argues that he is not in possession of the shares, the Debtor is in control of the shares as the

"nominal holder." The Debtor does not, in neither response, provide evidence or explanation of efforts taken by Debtor to acquire the physical shares. Instead, the Debtor repeatedly states that he never had possession. As property of the estate, as recognized by the Debtor, the Debtor, as owner of the shares, must make reasonable efforts to acquire possession to turnover.

Furthermore, the Debtor does not address any efforts to acquire the financial records requested by the Trustee. It appears that the Debtor hopes the Quitclaim Assignment suffices both of these requests- they do not. 11 U.S.C. § 542(a)(4) requires the Debtor to deliver all of the property of the estate and documentation related to the property of the estate to the Chapter 7 Trustee. The Debtor is attempting to transfer ownership through the Quitclaim Assignment and have the Trustee get this information. This method is not permitted under 11 U.S.C. § 542.

Debtor clearly has access to substantial financial resources and can comply with his obligation to turn over these assets. Congress has vested in the district court judges and bankruptcy judges exclusive jurisdiction over property of the estate. 28 U.S.C. § 1334(e). This includes determining what is, and is not, property of the bankruptcy estate. All persons asserting that Debtor was only a "nominal holder of shares" can appear and assert their rights and interests. FN.1.

FN.1. Debtor testifies under penalty of perjury that when in state court he needed to produce \$1,000,000.00 to address contempt sanctions issued by the state court judge, he has his mother wire the money to Debtor's state court dissolution attorney. It is clear that he can comply with this order and produce the pieces of paper which are stock certificates, in light of his ability to produce \$1,000,000.00 cash with a phone call. (The court presumes that Debtor called his mother to obtain the \$1,000,000.00, though the communication could have been by email or text.)

Therefore, the Trustee's Motion is granted as to the turnover of: (1) 100% of the stock certificates or equivalent in all of the entities which compromise the "Metprom" group of companies which are as follows: 000 Metpromproekt; 000 Metprom; ZAO Metpromproekt; 000 Metpromservice; 000 Metpromstal; 000 Metpromukraina; Steel Power Trade; and (2) all financial records of Metprom including an accounting of all incomes and expenses of Metprom since the filing of Debtor's bankruptcy case on February 13, 2013.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Turnover of Property filed by the Trustee having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion for Turnover of Property is granted.

IT IS FURTHER ORDERED that Debtor shall deliver on or before noon on [date], 2015, possession of the following property to John Roberts, the Chapter 7 Trustee, at ~~xxxxxx~~ ,:

1. 100% of the stock certificates or equivalent in all of the entities which compromise the "Metprom" group of companies which are as follows: 000 Metpromproekt; 000 Metprom; ZAO Metpromproekt; 000 Metpromservice; 000 Metpromstal; 000 Metpromukraina; Steel Power Trade
2. all financial records of Metprom including an accounting of all incomes and expenses of Metprom since the filing of Debtor's bankruptcy case on February 13, 2013.

(the "Property"), with all rights and interests of the Estate, Debtor, and all other persons in the Property to continue in full force and effect while in the possession of the Trustee. It is this federal court, with exclusive jurisdiction over all property of the estate pursuant to 28 U.S.C. § 1334(e), which determines whether property is property of the bankruptcy estate. All persons who assert any interest in or ownership of such Property at issue may have their rights and interests adjudicated in this court. Debtor has the responsibility to turn possession over such assets, even if he now states that he was the "nominal holder of the shares" to turn over such shares to the Trustee.

IT IS FURTHER ORDERED that the request for Debtor to turn over his passport as property of the estate is denied without prejudice.