

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
KERUSSO REAL ESTATE, LLC,) CASE NO. 09-22954
) Chapter 11
Debtor.)

ORDER DENYING VERIFIED MOTION FOR CONTEMPT CITATION [“MOTION”]

The Motion was filed by First National Bank of Illinois, by counsel, on July 2, 2010. The motion requests that a hearing be scheduled at which the debtor’s principal Sergio Garcia should be required to show cause as to why he should not be held in contempt for actions undertaken by him in a state foreclosure action.

Contempt of court for violation of a court order requires a specific order of the court with which compliance was not had. As stated in *United States v. Dowell*, 257 F.3d 694, 699 (7th Cir. 2001):

‘A court’s civil contempt power rests in its inherent limited authority to enforce compliance with court orders and ensure judicial proceedings are conducted in an orderly manner.’ *Jones v. Lincoln Electric Co.*, 188 F.3d 709, 737 (7th Cir.1999). For Morano to be held in civil contempt, he must have violated an order that sets forth in specific detail an unequivocal command from the court. See *id.* (Quotations omitted).

First National Bank of Illinois posits two bases for its request for finding of contempt. The first is an order of abandonment entered by the court on December 2, 2009. This order cannot provide a basis for contempt because it solely dealt with removing the property from the debtor’s bankruptcy estate, and nothing more: there’s nothing in that order directing Sergio Garcia to refrain from doing anything. The second basis is an admonition given by the court at a hearing held on June 2, 2010. Again, an admonition is not an order of the court, and there is no order which specifically directs Sergio Garcia to either do or not do anything in relation to the state foreclosure action.

Because there is no order of this court in relation to the conduct complained of, the

Motion fails to state a basis for the relief which it requests.

IT IS ORDERED that the Motion is Denied.

Dated at Hammond, Indiana on July 22, 2010.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:

Debtor, Attorney for Debtor
US Trustee
Attorney Kevin C. Smith