

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re : **Chapter 7**
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KOLLEL MATEH EFRAIM, LLC a/k/a MATEH : **Case No. 04-16410 (SMB)**
EPHRAIM, LLC, a/k/a KOLEL MATEH EFRAIM, :
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Debtor. :
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ROBERT L. GELTZER, as Chapter 7 :
Trustee of the Estate of Debtor KOLLEL MATEH : **Adv. Proc. No. 07-02052 (SMB)**
EFRAIM, LLC, a/k/a MATEH EPHRAIM LLC, a/k/a :
KOLEL MATEH EFRAIM, :
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Plaintiff, :
:
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v. :
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:
KOLLEL MATEH EFRAIM, LLC a/k/a MATEH :
EPHRAIM, LLC a/k/a KOLEL MATEH EFRAIM and :
KOLEL MATEH EFRAIM, :
:
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Defendants. :
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**ORDER REGARDING MOTION BY NUTOVIC & ASSOCIATES TO WITHDRAW AS
COUNSEL FOR DEFENDANT KOLEL MATEH EFRAIM**

NUTOVIC & ASSOCIATES having moved to withdraw as counsel for the defendant Kolel Match Efraim (“Defendant”) in the above-captioned adversary proceeding by Notice of Motion dated December 30, 2008 (the “Withdrawal Motion”); and this Court having read the Declaration of Isaac Nutovic, dated December 30, 2008, in support of the Withdrawal Motion, and the Limited Objection to the Withdrawal Motion of Robert L. Geltzer, as Chapter 7 Trustee (the “Trustee”) of the Debtor Kollel Match Efraim, LLC, a/ka/ Match Ephraim LLC, a/k/a Kolel Match Efraim, dated January 28, 2009; and this Court having conducted a hearing on

the Withdrawal Motion on February 3, 2009, at which Isaac Nutovic, Esq. of Nutovic & Associates, and Robert A. Wolf, Esq. of Squire, Sanders & Dempsey L.L.P., the Trustee's Substitute General Counsel, appeared; and for those reasons set forth by this Court on the record at such hearing; it is hereby

ORDERED, that the Withdrawal Motion is granted to the following extent:

1. Nutovic & Associates is hereby relieved as counsel for the Defendant.
2. Substitute counsel for the Defendant shall serve and file a notice of appearance on behalf of the Defendant in this adversary proceeding on or before March 13, 2009. If no such notice of appearance is filed on behalf of the Defendant by March 13, 2009, then the Trustee shall be entitled to serve and file, by notice of presentment returnable on March 19, 2009 at 10:00 a.m., a proposed Order striking the Defendant's Answer to the Complaint in this adversary proceeding, and granting judgment in favor of the Trustee and against the Defendant for the relief requested in the Complaint, with any objections on the part of the Defendant to such proposed Order to be heard on March 19, 2009 at 10:00 a.m.
3. The Trustee's motion to strike the Defendant's jury demand in this adversary proceeding (the "Strike Jury Demand Motion") shall be heard before this Court on March 19, 2009 at 10:00 a.m. Answering papers of the Defendant, if any, in opposition to the Trustee's Strike Jury Demand Motion, shall be served and filed on or before March 13, 2009. In the event the Defendant fails to serve any such answering papers by March 13, 2009, then the Trustee's Strike Jury Demand Motion shall be granted on default by this Court.

4. Except as otherwise set forth above in this Order, all other matters in this adversary proceeding are stayed pending the earlier of (i) the service and filing of a notice of appearance in this adversary proceeding by substitute counsel for the Defendant; or (ii) the entry of a further order and/or judgment of this Court.

5. With respect to the Withdrawal Motion, the requirement of a memorandum of law, pursuant to Rule 9013-1(b) of the Local Bankruptcy Rules of this Court, is hereby waived.

Dated: New York, New York
February __, 2009

**HONORABLE STUART M. BERNSTEIN
CHIEF UNITED STATES BANKRUPTCY
JUDGE**