

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

RICHARD GUADAGNO,

Debtor.

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FEDERAL TRADE COMMISSION,

Plaintiff,

Case No. 04-86065-ast
Chapter 7

-against-

Adv. Proc. No. 04-8693-ast

RICHARD GUADAGNO,

Defendant.

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ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

WHEREAS, by Motion dated January 21, 2009 (the "Motion"), Plaintiff, the Federal Trade Commission ("Plaintiff") sought entry of a motion granting summary judgment [dkt item 26]; and

WHEREAS, the Motion has been filed and served as required under Rules 4002 and 7056 of the Federal Rules of Bankruptcy Procedure, and Rules 2002-1 and 7056-1 of the Local Bankruptcy Rules for the Eastern District of New York; and

WHEREAS, no response to the Motion has been filed by the Defendant as required by E.D.N.Y. LBR 2002-1 and 7056-1; and

WHEREAS, the statement of material facts to which the Plaintiff alleges there is no genuine issue of material fact to be tried has been properly pleaded in accordance with E.D.N.Y. LBR 7056-1; and

WHEREAS, Defendant has failed to controvert the statement of material facts as to which the Plaintiff alleges there is no genuine issue of material fact to be tried as

required by E.D.N.Y. LBR 7056-1; and

WHEREAS, in consideration of the foregoing and after due deliberation, it appears to the Court that there is no genuine issue of material fact to be tried, and that Plaintiff is entitled to summary judgment as a matter of law. It is hereby

ORDERED, that the Motion is GRANTED; and it is further

ORDERED, that Plaintiff shall submit a Final Judgment consistent herewith within twenty (20) days of entry of this Order.

Dated: February 17, 2009
Central Islip, New York

/s/ Alan S. Trust
Alan S. Trust
United States Bankruptcy Judge