



**ORDERED** in the Southern District of Florida on January 17, 2013.

A handwritten signature in black ink, appearing to read "Erik P. Kimball".

Erik P. Kimball, Judge  
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION

*In re:*

CLSF III IV, INC.,

**CASE NO.: 12-30081-BKC-EPK**

Debtor.

**Chapter 7**

PETER H.M.A. ORTMANS, MILDRED A.H.  
ORTMANS, MARC VANDOORNE, AND  
MAATSCHAP QI COLLECTIEF a Belgium  
partnership,<sup>1</sup>

Plaintiff,

**ADV. CASE NO.: 12-01889-EPK**

v.

BEHL CORPORATION, a Florida corporation, BGI 3  
LIFE INC., a Florida corporation, BGI 5 LIFE INC.,  
a Florida corporation, BGI 6 LIFE INC., a Florida

<sup>1</sup> Subsequent to the entry of the Order for Relief, the Interim Trustee, Deborah C. Menotte, was substituted in as Plaintiff.

corporation, BGI I LIFE INC., a Florida corporation, BGI II LIFE INC., a Florida corporation, BGI IX CORP., a Florida corporation, BGI VII CORP., a Florida corporation, BGI VIII CORPORATION., a Florida corporation, BGI X CORP., a Florida corporation, BGI XI CORP., a Florida corporation, BGI XII CORP., a Florida corporation, BGI XIV CORP., a Florida corporation, BGI XIX CORPORATION, a Florida corporation, BGI XV CORP., a Florida corporation, BGI XVI CORP., a Florida corporation, BGI XVII CORP., a Florida corporation, BGI XVIII CORP., a Florida corporation, BGI XIX CORP., a Florida corporation, BGI XX CORP., a Florida corporation, BGI XXI, CORP., a Florida corporation, BGI XXII, CORP., a Florida corporation, BGI XXIV CORPORATION, a Florida corporation, BGI XXV CORPORATION, a Florida corporation, BGI XXVI CORPORATION, a Florida corporation, CLSF 1A CORPORATION, a Florida corporation, CLSF 3-4 A CORPORATION, a Florida corporation, CLSF 3-4 CORPORATION, a Florida corporation, CLSF 7 A CORPORATION, a Florida corporation, CLSF I INC., a Florida corporation, CLSF III IV INC., a Florida corporation, CLSF IX INC., a Florida corporation, CLSF VII INC., a Florida corporation, CLSF VIII INC., a Florida corporation, CLSF XII INC., a Florida corporation, CLSF XIV INC., a Florida corporation, CLSF XL INC., a Florida corporation, CLSF XLI INC., a Florida corporation, CLSF XLII INC., a Florida corporation, CLSF XLIII, INC., a Florida corporation, CLSF XV INC., a Florida corporation, CLSF XVI INC., a Florida corporation, CLSF XVII INC., a Florida corporation, CLSF XVIII INC., a Florida corporation, CLSF XX INC., a Florida corporation, CLSF XXI INC., a Florida corporation, CLSF XXII INC., a Florida corporation, CLSF XXIII INC., a Florida corporation, CLSF XXIX INC., a Florida corporation, CLSF XXV INC., a Florida corporation, CLSF XXX INC., a Florida corporation, CLSF XXXI INC., a Florida corporation, CLSF XXXII INC., a Florida corporation, CLSF XXXIV INC., a Florida corporation, CLSF XXXIX INC., a Florida corporation, CLSF XXXV INC., a Florida corporation, CLSF XXXVI INC., a Florida corporation, CLSF XXXVIII INC., a Florida corporation, CLSF XXXXII CORPORATION, a Florida corporation, CLSF

XXXXIII CORPORATION, a Florida corporation,  
CLSF XXXXIV, a Florida corporation, CLSF  
XXXXV CORPORATION, a Florida corporation,  
CLSF XXXXVI CORPORATION, a Florida  
corporation, LSF I INC., a Florida corporation, LSF II  
INC., a Florida corporation, LSF III INC., a Florida  
corporation, LSF IV INC., a Florida corporation,  
LSF V INC., a Florida corporation, LSF VI INC., a  
Florida corporation, MP XXVI INC., a Florida  
corporation, RPM LIFE INC., a Florida corporation,  
RYAN TRUST CORPORATION, a Florida  
corporation, THE SINDER TR CORP. a Florida  
corporation, THE LUNDVALL TR CORP., a Florida  
corporation, THE GLUCK TR CORP., a Florida  
corporation, THE LIP CORPORATION, a Florida  
corporation, THE LIP II TRUST CORPORATION, a  
Florida corporation, THE MARTHA ELLIOTT  
INSURANCE TRUST CORPORATION, a Florida  
corporation, Deborah Peck, Individually, and in Her  
Capacity as Trustee, and Peck Associates Palm Beach,  
LLC d/b/a Deborah C. Peck, P.A., Wells Fargo Bank,  
N.A. and TD Bank, N.A.

Defendants.

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**ORDER:**

**(I) GRANTING IN PART AND DENYING IN PART INTERIM TRUSTEE'S  
EMERGENCY MOTION FOR ENTRY OF AN ORDER TO SHOW CAUSE WHY  
DEBORAH C. PECK SHOULD NOT BE HELD IN CONTEMPT OF COURT FOR HER  
WILLFUL FAILURE TO OBEY THIS COURT'S ORDER [ECF #61];<sup>2</sup>**

**(II) GRANTING IN PART AND DENYING IN PART SUPPLEMENTAL MOTION (A)  
FOR ENTRY OF AN ORDER TO SHOW CAUSE WHY DEBORAH C. PECK SHOULD  
NOT BE HELD IN CONTEMPT OF COURT FOR HER WILLFUL FAILURE TO  
OBEY THIS COURT'S ORDER, (B) TO STRIKE MOTION AND AMENDED MOTION  
TO DISMISS PETITIONING CREDITORS' INVOLUNTARY PETITION FOR ENTRY  
OF AN ORDER TO SHOW CAUSE WHY DEBORAH C. PECK SHOULD NOT BE  
HELD IN CONTEMPT OF COURT FOR HER WILLFUL FAILURE TO OBEY THIS  
COURT'S ORDER [ECF #63 Main]; AND**

**(II) RESOLVING COUNT I, III and IV OF ADVERSARY COMPLAINT**

<sup>2</sup> In the Main Case. Hereinafter, all docket entries in the Main Case, shall be followed by the term "Main", e.g., "[ECF # 61 Main]"

THESE MATTERS came before the Court for hearing on October 10, 2012 at 1:30 p.m. (the “Hearing”) on the *Emergency Motion for Entry of an Order to Show Cause why Deborah C. Peck Should Not Be Held in Contempt of Court for Her Willful Failure to Obey this Court’s Order* in the Main Case (the “Show Cause Motion”) [ECF #61 Main] filed by Deborah Menotte (the “Interim Trustee”), as the Chapter 7 interim trustee of the bankruptcy estate of CLSF III IV, Inc. (the “Debtor”) as well as the emergency supplement to the Show Cause Motion filed by the Interim Trustee (the “Supplemental Motion”) [ECF #63 Main]. The Parties<sup>3</sup> are defined in footnote 3. The Court, having considered the Show Cause Motion, the Supplemental Motion, the Court record in its entirety, the arguments and representations made by counsel at the Hearing,

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<sup>3</sup> Hereinafter, the terms “Parties” shall refer collectively to the Debtor, the Interim Trustee, Deborah C. Peck, individually (“Peck”), the following non-debtor entities, hereinafter referred to as the “Alter Ego Entities”: BGI 2 Life Inc., a Florida Corporation, BGI I LIFE INC., a Florida corporation, BGI II LIFE INC., a Florida corporation, BGI IX CORP., a Florida corporation, BGI VII CORP., a Florida corporation, BGI VIII CORPORATION, a Florida corporation, BGI X CORP., a Florida corporation, BGI XI CORP., a Florida corporation, BGI XII CORP., a Florida corporation, BGI XIV CORP., a Florida corporation, BGI XIX CORPORATION, a Florida corporation, BGI XV CORP., a Florida corporation, BGI XVI CORP., a Florida corporation, BGI XVIII CORP., a Florida corporation, BGI XXIX CORP., a Florida corporation, , BGI XXI, CORP., a Florida corporation, BGI XXII, CORP., a Florida corporation, BGI XXIV CORPORATION, a Florida corporation, BGI XXV CORPORATION, a Florida corporation, BGI XXVI CORPORATION, a Florida corporation, BGIF 18 UA DATED 2-1-2010, BGIF 19 UA DATED 2-1-2010, CLSF 1A CORPORATION, a Florida corporation, CLSF 3-4 A CORPORATION, a Florida corporation, CLSF 3-4 CORPORATION, a Florida corporation, CLSF 7 A CORPORATION, a Florida corporation, CLSF IX INC., a Florida corporation, CLSF XII INC., a Florida corporation, CLSF XLII INC., a Florida corporation, CLSF XLIII, INC., a Florida corporation, CLSF XVIII INC., a Florida corporation, CLSF XXX INC., a Florida corporation, CLSF XXXII INC., a Florida corporation, CLSF XXXIV INC., a Florida corporation, CLSF XXXIX INC., a Florida corporation, CLSF XXXVI INC., a Florida corporation, CLSF XXXVIII INC., a Florida corporation, CLSF XXXXII CORPORATION, a Florida corporation, CLSF XXXXIII CORPORATION, a Florida corporation, CLSF XXXXIV., a Florida corporation, CLSF XXXXV CORPORATION, a Florida corporation, CLSF XXXXVI CORPORATION, a Florida corporation, THE FEYGA DARMANYAN INS. TRUST UA DATED 10-07; THE FRIEDMAN TRUST CORP, a corporation, FRIEDMAN TR CORP a Florida corporation, THE GUBERMAN TRUST, THE GUBERMAN TR CORP, a Florida corporation, HASSAN JOHER FAMILY INSURANCE TRUST, THE HASSAN JOHER FAMILY INSURANCE NATIONAL TRUST CORPORATION, a Florida corporation, THE IBRAHIM RABADI TRUST DATED 2-3-2011, JOHER FAMILY TRUST DATED 9-10-2010, THE JOHER FAMILY AVIVA INSURANCE TRUST CORPORATION, a Florida corporation, THE KLARA ROSENBERG INSURANCE TRUST DATED 8-19-2012, THE HASSAN JOHER INSURANCE TRUST, THE HASSAN JOHER FAMILY INSURANCE NATIONAL TRUST CORPORATION a Florida corporation, LSF II INC., a Florida corporation, LSF V INC., a Florida corporation, MP XXVI INC., a Florida corporation, THE RABADI LIFE INSURANCE TRUST RYAN TR CORP, a Florida corporation, THE SPECTOR TRUST UA DATED 4-27-2010, THE SPECTOR TR CORP, a Florida corporation, THE TEICHMAN TRUST CORPORATION, a Florida corporation, THE TEICHMAN TR CORP, a Florida corporation, THE LUNDVALL TR CORP., a Florida corporation, THE LIP CORPORATION, a Florida corporation, THE LIP II TRUST CORPORATION, a Florida corporation, THE LIP III TRUST CORPORATION, a Florida Corporation, THE MARTHA ELLIOTT INSURANCE TRUST CORPORATION, a Florida corporation, and THE RIBADI TR CORP, a Florida corporation.

and the consensual resolution to the Show Cause Motion, the Supplemental Motion and the instant Adversary Proceeding announced at the Hearing, which resolution is fully adopted and incorporated herein, does

**Order as follows:**

1. The Show Cause Motion and the Supplemental Motion are **GRANTED IN PART** and **DENIED IN PART**, as set forth, *infra*.

2. The Court shall, under separate cover, enter a final judgment in this Adversary Proceeding that will provide as follows:

(a) that the Alter Ego Entities are alter egos of CLSF III, IV, Inc.;

(b) Should involuntary bankruptcy petitions be filed against Alter Ego Entities not already before this Court, neither Peck, nor any of the other Alter Ego Entities shall oppose the entry of an Order for Relief against any or all of the Alter Ego Entities;

(c) that the Interim Trustee is authorized administer all assets of the Alter Ego Entities for the benefit of the Debtor's estate, using the Interim Trustee's best business judgment;

(d) that the automatic stay applicable to the Debtor is extended to the Alter Ego Entities and their respective assets and accounts, and enjoining all persons or entities from interfering with the Interim Trustee's administration of the assets of the Alter Ego Entities;

(e) that the Alter Ego Entities shall immediately deliver to the Interim Trustee and account to her and/or any successor trustee for all property and assets of the Alter Ego Entities;

(f) that the Alter Ego Entities are subject to this Court's Amended Order Granting Plaintiff's Motion For Temporary Restraining Order and Preliminary Injunction [ECF #40];

(g) that Peck and any persons and entities operating through or by Peck, including without limitation, agents, employees, independent contractors, and professionals engaged by Peck, are permanently enjoined from transferring, selling, dissipating, wasting, encumbering, hypothecating, or otherwise exercising any dominion or control over the assets of any of the Alter Ego Entities;

(h) that Peck and any persons and entities operating through or by Peck, including without limitation, agents, employees, independent contractors, and professionals engaged by Peck, are permanently enjoined and restrained from destroying, secreting, or altering documents as they are defined in the Supplemental Motion and Injunction Motion and that Peck

shall take immediate steps to ensure the full preservation of such documents in their native format;

(i) that, to the extent such has not already occurred, the Interim Trustee is authorized to forensically copy and image all computer hard drives and storage devices in Peck's possession, custody, or control and that Peck shall permit the Interim Trustee to inspect and copy such documents in their native format;

(j) that, to the extent such has not already occurred, within five (5) days from the entry of this Order, Peck shall serve a true and correct copy thereof upon all agents, employees, independent contractors, and professionals engaged by Peck or performing work for Peck; and

(k) that, to the extent such has not already occurred, within five (5) days from the entry of this Order, Peck shall expressly and in writing direct any and all agents, employees, independent contractors, and professionals engaged by Peck or performing work for Peck to turnover to the Interim Trustee any documents responsive to the Deposition Notice and that Peck shall furnish proof of compliance with the provisions of this paragraph by filing an Affidavit of Compliance with the Bankruptcy Court, along with attached true and correct copies of all written communication purporting to satisfy the requirements of this paragraph.

3. Nothing in this Order shall be deemed a determination that the captioned debtors other than CLSF III IV, Inc. are not also alter egos of CLSF III IV, Inc., and the Court retains jurisdiction to make such a determination in connection with an appropriate motion.

4. Nothing in this Order shall be construed as extinguishing, or shall be deemed to extinguish, any causes of action under Chapter 5 of the Bankruptcy Code which now exist or later arise in any bankruptcy estate of the Debtors or of any Alter Ego Entity, and the Court retains jurisdiction to address this matter in connection with an appropriate motion.

5. After such time as the Parties agree or the Bankruptcy Court directs a mechanism for production of all documents responsive to the Deposition Notice and the parties establish a date certain by which Peck will agree to continue and complete the oral examination in accordance with the Deposition Notice, the Interim Trustee shall withdraw the Motion for Contempt and the Supplemental Motion as moot.

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Submitted by:  
Robert Paul Charbonneau, Esq.  
rpc@ecclegal.com  
Special Counsel to the Interim Trustee  
501 Brickell Key Drive, Suite 300  
Miami, FL 33131

Copy to: Attorney Charbonneau, who is directed to serve a conforming copy upon all interested parties.