

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

YEHUD MONOSSON USA INC.,

BKY No. 11-42834

Debtor.

Chapter 7

ORDER TO SHOW CAUSE

At Minneapolis, Minnesota, December 7, 2011.

On November 17, 2011, this case came on for hearing before the court on the trustee's motion for contempt of court for failure to comply with a turnover order previously entered in this case (Docket No. 181) by Judge Dennis D. O'Brien.¹ As clearly noted in the court's November 17, 2011 order (Docket No. 195) entered following that hearing, the court concluded that, under the circumstances, it was appropriate to continue the hearing on the trustee's motion. To be clear, the court's November 17, 2011 order made absolutely no ruling on the merits of the trustee's motion for contempt.

Debtor subsequently filed an expedited motion (Docket No. 197) to vacate this court's November 17, 2011 order, which had continued the hearing on the trustee's motion for contempt to December 6, 2011. The motion was electronically filed via the court's ECF system by Rebekah M. Nett,² counsel for debtor. The motion asserted that implementation of the court's November 17, 2011 order "may dramatically deprive Debtor's representative of her rights without due process." See Docket No. 197 at p. 3. Debtor's motion was electronically signed by

¹ Rebekah M. Nett appeared on behalf of debtor, but appeared after the court had gone off the record. Ms. Nett appeared a few minutes before 1:30 p.m. The hearing on the motion had been scheduled with the court's calendar clerk for 1:00 p.m. on November 17, 2011, but had been actually noticed by the trustee for 1:30 p.m. on November 17, 2011. The court attempted to accommodate a continued hearing on that very afternoon, November 17, 2011, but Ms. Nett was unavailable later that same day.

² Minnesota Attorney Lic. No. 0299571. According to the website of the Minnesota Judicial Branch, Ms. Nett is not currently carrying professional liability insurance. See <http://www.mncourts.gov/mars/AttorneyDetail.aspx?attyID=0299571>

Rebekah M. Nett³ and was verified by Naomi Isaacson, the president of debtor, who is herself a licensed attorney.⁴ The “factual background” of debtor’s motion was replete with unsupported and outrageous allegations of bigotry, deceit, conspiracy, and scandalous statements against this court, Judge Dennis D. O’Brien, the trustee, the United States Trustee, and bankruptcy courts in general. See Docket No. 197 at pp. 4-7.

The motion asserted, inter alia, “factual background” which included the following:

- a. “Chapter 7 Trustee Nauri Manty had actually scheduled the hearing with Nancy Dreher, the Catholic judge,⁵ for 1:00 p.m. but sent notice to the Debtor that the hearing was set for 1:30 p.m.”
- b. “Debtor seriously questions Chapter 7 Trustee Nauri Manty’s motive in informing Debtor of the wrong time for the hearing. Was it to make the job of the black-robed bigot that much easier? So, rather than forcing the Court to hear the case on its merits, the matter can just go by default? Debtor is suspicious of the Chapter 7 Trustee Nauri Manty’s motive given her track record of lies, deceit, treachery, and connivery, particularly, since the Chapter 7 Trustee Nauri Manty, the U.S. Trustee Colin Kreuziger, and Nancy Dreher, the Catholic judge, have been communicating with each other about this Debtor on an ex parte basis.”

³ Loc. R. Bank. P. (D. Minn.) 9011-4(b) provides in pertinent part that “[t]he user log-in and password required to submit documents to the Electronic Case Filing System serve as the Filing User’s signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the local rules of this court, and for any other purpose for which a signature is required in connection with proceedings before the court.” Loc. R. Bank. P. (D. Minn.) 9011-4(b).

⁴ Minnesota Attorney Lic. No. 0291043. See <http://www.mncourts.gov/mars/AttorneyDetail.aspx?attyID=0291043>

⁵ I have never been Catholic.

- c. “U.S. Trustee Colin Kreuziger, Chapter 7 Trustee Nauni Manty, and Nancy Dreher, the Catholic judge, are of the same race and religion⁶ and their track record demonstrates their conspiracy and deceitful practices to hurt the Debtor. Even though all documents have been produced, Jesuitess Nauni Manty keeps repeating the same lie that records are missing.”
- d. “Across the country the court systems and particularly the Bankruptcy Court in Minnesota, are composed of a bunch of ignoramus, bigoted Catholic beasts that carry the sword of the church. Judge Dennis O’Brien is a Jesuit, Judge Nancy Dreher is a Catholic Knight Witch Hunter, U.S. Trustee Colin Kreuziger is a priest’s boy, and the infamous Chapter 7 Trustee Nauni Manty is a Jesuitess.”
- e. “Debtor and its representatives have never experienced any justice at the hands of these inquisitors. Since Debtor has been vocal in exposing their dirty deeds, these dirty Catholics have conspired together to hurt Debtor.”
- f. “Both the Chapter 7 Trustee Nauni Manty and the U.S. Trustee Colin Kreuziger appeared at 1:00 p.m. and both the Chapter 7 Trustee Nauni Manty and the U.S. Trustee Colin Kreuziger ‘pretended’ to not know why Debtor’s counsel was not present for the hearing. Therefore, Nancy Dreher, the Catholic judge, proceeded with the hearing in Debtor’s absence and allowed the Chapter 7 Trustee Nauni Manty to argue her case as to why Debtor is in violation of the Court’s Order for Turnover dated October 7, 2011.[...] When Debtor’s counsel arrived for hearing at 1:20 p.m., no other parties to the case were present, and the Court’s clerk informed Debtor’s counsel that the hearing had been held at 1:00 p.m. The Chapter 7 Trustee Nauni Manty and the U.S. Trustee Colin Kreuziger had already come and gone. The Court’s clerk confirmed that the notice that was sent to

⁶ I do not know of what religion, if any, Ms. Manty is, but it cannot be the same as mine, as I am not of any particular faith.

Debtor indicated that the hearing was set for 1:30 p.m. but informed Debtor's counsel that the matter had been continued to December 6, 2011."

- g. "Shockingly, on November 18, 2011, however, Nancy Dreher, the Catholic judge, issued an Order that effectively already finds that Debtor is in violation of the October 7th Turnover Order. Such Order states Chapter 7 Trustee Nauni Manty is permitted to make a record at such hearing that meets the test for a finding of contempt. The November 18th Order further states that the Debtor representative is required to be present at the hearing. Given what these dirty Catholics are capable of and particularly since there is no law to protect the minority, Debtor is concerned about what their secret plans are for the December 6, 2011 hearing. Catholic deeds throughout the history have been bloody and murderous."
- h. "For Nancy Dreher, the Catholic judge, to issue such an Order when she knew that the Debtor was not present due to being intentionally misled by Chapter 7 Trustee Nauni Manty is unfathomable. One can only conclude that Nancy Dreher, the Catholic judge, is part of the conspiracy to deprive Debtor of its due process rights since she went ahead and issued an Order when she clearly knew the reason Debtor's counsel was not present at the hearing."
- i. "Under normal circumstances, a Court would wait ten minutes in case some unfortunate mishap had befallen counsel to give her an opportunity to appear. What was the reason for the haste to hold this hearing? What secret discussions occurred during their secret meeting? Debtor has filed numerous pleadings which outline in detail its response to the Chapter 7's Trustee Nauni Manty's motion which clearly document that Debtor has produced all the records in its possession. Debtor has a right to be heard on that issue. The entry of the order is illegal and in violation of Debtor's due process rights. In the interests of justice, this Order must be vacated."

- j. “Given the track record of injustice in this case, it seems that Debtor will never see justice until the matter is addressed in an international court in Beijing, China.”

Following a hearing on November 29, 2011, the court denied, in all respects, debtor’s motion to vacate by order dated November 29, 2011 (Docket No. 198).

Federal Rule of Bankruptcy Procedure 9011(b) provides:

By presenting to the court (whether by signing, filing, submitting, or later advocating) a petition, pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,--

- (1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
- (2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
- (3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

Fed. R. Bankr. P. 9011(b). In turn, Fed. R. Bankr. P. 9011(c)(1)(B), provides that on “its own initiative, the court may enter an order describing the specific conduct that appears to violate subdivision (b) and directing an attorney, law firm, or party to show cause why it has not violated subdivision (b) with respect thereto.” Fed. R. Bankr. P. 9011(c)(1)(B). The court has determined that it is appropriate to issue this order to show cause to Rebekah M. Nett to show cause why sanctions should not be imposed under Fed. R. Bankr. P. 9011(c)(2) against her for violating Fed. R. Bankr. P. 9011(b), with respect to each of the statements reproduced above and that were contained in the “factual background” section of debtor’s motion to vacate. See Docket No. 197 at pp. 4-7. Accordingly,

IT IS HEREBY ORDERED THAT:

1. There will be a hearing on January 4, 2012, at 11:00 a.m., in Courtroom No. 7 West, United States Courthouse, 300 South Fourth Street, Minneapolis,

Minnesota, before Judge Nancy C. Dreher and Rebekah M. Nett shall appear to show cause why sanctions should not be imposed upon her with respect to each separate statement reproduced above and that were contained in the “factual background” section of debtor’s motion to vacate, to the extent each such statement was factually unsupported and/or filed for purposes of harassment or other improper purpose. See Docket No. 197 at pp. 4-7.

2. Sanctions may be imposed in accordance with Fed. R. Bankr. P. 9011(c)(2), and, if appropriate, may include, but not be limited to, the following:
 - a. Payment, within ten days of issuance of any sanction order, of a \$1,000.00 monetary sanction, payable to the Clerk of the United States Bankruptcy Court for the District of Minnesota for each, separate, and factually unsupported statement identified above;
 - b. Issuance of an injunction against further filing in this court that contains any disparaging remark against the court, this judge, Judge O’Brien, the trustee, the United States Trustee, or the courts of the United States;
 - c. Requiring Ms. Nett to attend, at her own expense, no less than 30 hours of ethics training within the next twelve months;
 - d. A public, written apology to this court, Judge Dennis D. O’Brien, the trustee, the United States Trustee (and perhaps others); and
 - e. Possible removal, if deemed appropriate by the Chief Judge of the United States District Court for the District of Minnesota, from the roster of attorneys admitted to practice before the United States District Court and this court under Loc. R. Bankr. P. (D. Minn.) 9010-3(a).
3. The Clerk shall provide notice of this Order to debtor; Rebekah M. Nett; Naomi Isaacson; the trustee; and the United States Trustee.

/s/ Nancy C. Dreher

Nancy C. Dreher
United States Bankruptcy Judge