

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

_____X

Chapter 7

In re:

MANNY JAROSLAWICZ,

Case No. 04-23863 (ASH)

Debtor.

_____X

MARIANNE T. O'TOOLE, as Successor Trustee
of the Estate of Manny Jaroslawicz, Debtor,

Plaintiff,

Adv. Pro. No. 08-8281

-against-

MANNY JAROSLAWICZ,

Defendant.

_____X

MEMORANDUM DECISION AND ORDER

On November 18, 2008, at a pre-trial hearing before this court, Isaac M. Jaroslawicz, serving as co-counsel to debtor Manny Jaroslawicz (“Debtor”), objected to the admissibility of a deposition transcript presented as evidence in this case. Specifically, Isaac Jaroslawicz argued that the oath was improperly administered to the witness. Upon due consideration of the merits of Isaac Jaroslawicz’s objection, for reasons articulated on the record of the November 18 hearing, the objection was overruled.

Notwithstanding this court’s ruling on the matter, in a persistent effort to suppress the deposition evidence, Isaac Jaroslawicz contacted the reporting service that certified to the deposition and urged withdrawal of the transcript certification. In a four-paged letter dated November 19, 2008, Isaac Jaroslawicz accused the reporter of “notarial misconduct” and threatened legal action if the reporter did not “[i]mmediately submit a signed retraction of the certificate.”

Because Isaac Jaroslawicz’s conduct far exceeds the bounds of zealous advocacy and legal ethics, and for reasons more fully expressed on the record of November 21, 2008, it is hereby

ORDERED that Isaac Jaroslawicz is removed as counsel of record for Debtor effective November 21, 2008, and it is further

ORDERED that, per Debtor's election, the trial will continue as scheduled on December 22, 2008, and Debtor will represent himself.

Dated: White Plains, NY
December 22, 2008

/s/ Adlai S. Hardin, Jr.
U.S.B.J.