

Attachment 41

Pages 43-44 from Transcript of March 10, 2016 Hearing on the TRO motion in
Casamatta v. Critique Services L.L.C., et al.,
(the entire hearing transcript available at another attachment hereto)

1 says, "Retainer agreement" on the monitor in front of you?

2 A Yes, it's blurry, but, yes.

3 Q It's blurry?

4 A Yes.

5 MR. MASS: Excuse me. Is there something I can touch
6 on this thing that it might bring it more in focus?

7 (Unrelated off-the-record colloquy)

8 BY MR. MASS:

9 Q This is the bottom page -- part of the page -- this is the
10 bottom part of the page, do you see that?

11 A Yes.

12 Q Is that your signature?

13 A Yes.

14 Q And is that the signature of the attorney who interviewed
15 you on August 25th, 2015?

16 A Yes.

17 Q Okay. And those -- you recognize the initials as R.D.?

18 A No, but, yes.

19 Q No, but, yes? I mean --

20 A I mean I can't make -- I make out the last letter, I don't
21 know what the first letter is.

22 Q Okay. But did Mr. Dellamano introduce himself as Robert
23 Dellamano who was assisting Dean Meriwether?

24 A No.

25 Q You're sure he didn't.

1 A No.

2 Q Is there any reason for him to introduce himself otherwise
3 and sign initials that are not Mr. Meriwether's?

4 MR. MILLER: Objection, Your Honor; that calls for
5 speculation.

6 THE COURT: I'll sustain the objection.

7 BY MR. MASS:

8 Q Now I want to show you the next document, which is an
9 attorney's introduction checklist, okay? And that's the top of
10 the page. Do you remember going through this checklist with
11 Mr. Dellamano?

12 A Yes.

13 Q Okay. And did you go through and -- everything that's
14 checked, did you review that information with Mr. Dellamano?

15 A Yes.

16 Q And is that your signature --

17 A Yes.

18 Q -- at the bottom?

19 A Yes.

20 Q And is that Mr. Dellamano's initials?

21 A Yes.

22 Q Okay. And is that the way he signed it in front of you?

23 A I believe so, yes.

24 Q And you saw him sign it, right?

25 A Yes.

Attachment 42

Preliminary Injunction Enjoining Robinson,
entered by the States Circuit Court in the 2016 MOAG Action



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1622-CC00503 - STATE OF MISSOURI, EX REL V BEVERLY H DILTZ ET AL (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
-----------------------------	---	--------------------------------	--	-------------------------------------	-----------------------------	---	---------------------------------	---

This information is provided as a service and is not considered an official court record.

Sort Date Entries: Descending Ascending

Display Options:

04/01/2016

Entry of Appearance Filed

entry of appearance; Electronic Filing Certificate of Service.

Filed By: ROBERT BROOKS RAMSEY

On Behalf Of: ROBERT J DELLAMANO

03/29/2016

Order

ON MARCH 23,2016, PLT'S APPLICATION FOR A PRELIM INJUNCTION AGAINST DFT JAMES ROBINSON WAS HEARD AND THE HEARING WAS CONCLUDED, AND THE PARTIES WERE GIVEN UP TO AND INCLUDING MARCH 28,2016 TO FILE BRIEFS. THE COURT, HAVING DELIBERATED ON THE MATTER, BELIEVES THAT IT CANNOT ENJOIN MR. ROBINSON FROM PRACTICING LAW OF ANY KNID IN THE STATE OF MO BECAUSE MR. ROBINSON HAS BEEN GIVEN PERMISSION FROM THE SUPREME COURT TO PRACTICE LAW HERE, AND THAT IT CANNOT ENJOIN MR. ROBINSON FROM PRACTICING LAW IN FEDERAL BANKRUPTCY COURTS: THAT IS FOR THOSE COURTS TO DETERMINE. HOWEVER, THE COURT FINDS THAT MR. ROBINSON HAS IMPERSONATED A LAWYER AFFILIATED WITH CRITIQUE SERVICES, LLC AND INFERS THAT HE WILL DO SO AGAIN TO THE DAMAGES OF OTHERS IF NOT ENJOINED. ACCORDINGLY, IT IS ORDERED THAT DFT JAMES ROBINSON IS PRELIMINARILY ENJOINED FROM REPRESENTING THAT HE IS AN ATTORNEY AFFILIATED WITH CRITIQUE SERVICES, LLC. IT IS FURTHER ORDERED THAT MR. ROBINSON IS PRELIMINARILY ENJOINED FROM WITHDRAWING FUNDS FROM THE FOLLOWING ACCOUNT " JAMES C. ROBINSON DBA CRITIQUE SERVICE, US BANK ACCOUNT #152302373500. SO ORDERED JUDGE JULIAN BUSH

Filed By: JULIAN BUSH

03/28/2016

Filing of Briefs

Plaintiffs Brief in Support of a Preliminary Injunction Against Defendant Robinson on the Practice of Bankruptcy Law; Electronic Filing Certificate of Service.

Filed By: JOSEPH RICHARD SCHLOTZHAUER

On Behalf Of: STATE OF MISSOURI, EX REL ATTORNEY GENERAL CHRIS KOSTER

03/24/2016

Suggestions in Support

Defendant Robinsons Memo In Support of Motion to Deny Preliminary Injunction Dissolve TRO and to Dismiss Case; Electronic Filing Certificate of Service.

Filed By: ELBERT A WALTON JR

Hearing Held

Scheduled For: 03/23/2016; 9:00 AM ; JULIAN BUSH; City of St. Louis

Attachment 43

Complaint, filed in *Pelofsky v. Holmes d/b/a Critique Service (In re Hamilton)*

RECEIVED & FILED
FEE PAID AMOUNT _____
MAR 5 10 15 AM '99

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CLERK OF THE BANKRUPTCY COURT
EASTERN DISTRICT OF
ST. LOUIS, MISSOURI

In re: Hamilton, Daniele M.)
)
)
 Debtor.)
)
 Joel Pelofsky)
 United States Trustee,)
 Plaintiff,)
)
 v.)
)
 Beverly Holmes, d/b/a Critique Service,)
 Defendant.)

Case No. 99-40898-172
Chapter 7
Judge James J. Barta
Adversary Proceeding
No. _____

99-4065

COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

COMES NOW Joel Pelofsky, United States Trustee for the Eastern District of Missouri (hereinafter referred to as "U.S. Trustee"), by his Assistant U.S. Trustee, Peter Lumaghi, and for his Complaint for Injunctive and Other Relief states to the Court as follows:

1. This is a core proceeding concerning the administration of the estate pursuant to 28 U.S.C. Section 157 (b)(2)(A). This Court may hear and determine the issues presented pursuant to Rule 29 of the United States District Court for the Eastern District of Missouri.
2. Venue is proper in this District pursuant to 28 U.S.C. Sec. 1409 (a).
3. Plaintiff Joel Pelofsky is the duly appointed and acting U.S. Trustee for the Eastern District of Missouri and brings this action pursuant to his statutory authority to monitor the administration of bankruptcy cases under 11 U.S.C. Section 586, to raise issues in bankruptcy issues under 11 U.S.C. Section 307 and to bring actions to enjoin bankruptcy petition preparers from violating the

provisions of 11 U.S.C. Section 110.

4. Defendant Beverly Holmes (hereinafter referred to as "Defendant Holmes") is an individual whose principal place of business is located at 4144 Lindell Blvd. Ste. 110, St. Louis, Missouri 63108.

5. From on or about January 1, 1997 to present, Defendant Holmes has engaged within this District in the business of providing legal services, including rendering legal advice and preparing bankruptcy schedules, statements and plans for debtors from whom she has received fees for her services. Defendant Holmes is not a duly licensed attorney and is not authorized to engage in the practice of law or law business in the State of Missouri.

6. When performed by an individual who is not a duly licensed attorney, the rendering of legal advice and the preparation of bankruptcy statements, statements and plans for others constitutes the unauthorized practice of law and law business in the State of Missouri. Sections 484.010 and 484.020 RSMo 1994; Rules of Court-E.D. Mo., Rule 83-12.01.

7. Defendant Holmes has engaged in the unauthorized practice of law and law business in the State of Missouri by:

- a. Soliciting raw data on prospective debtors' personal and financial circumstances in order for Defendant Holmes to draft bankruptcy petitions, schedules and statements of financial affairs for filing in the Bankruptcy Court, Eastern District of Missouri;
- b. Advising debtors of the differences inherent to the filing of a Chapter 7 versus a Chapter 13 bankruptcy case;

- c. Advising debtors as to the likelihood of the debtors retaining or relinquishing certain assets by filing bankruptcy;
- d. Advising debtors as to the classification of debt within the meaning of Title 11, United States Code;
- e. Advising creditors that her clients have filed bankruptcy in order to have the creditors cease collection efforts;
- f. Advising prospective debtors of the applicability of Title 11, United States Code, to their particular financial situation;
- g. Advising prospective debtors to contact creditors in order to determine how to retain certain assets;
- h. Advising prospective debtors on the effect of filing bankruptcy will have on debtors' responsibility to pay their creditors.

RELIEF

WHEREFORE, the United States Trustee prays this Court for an Order finding that the Defendant has engaged in the unlawful practice of law and law business; and

FURTHER, the Court to Order:

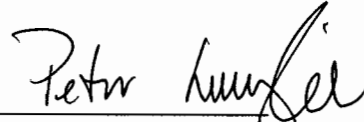
- (1) The Defendant to be permanently enjoined from engaging in the unlawful practice of law or law business in the State of Missouri, including the unlawful practices set out in Paragraph 7 (a) through (h) above;
- (2) The Defendant to pay to the Office of U.S. Trustee all reasonable attorney's fees and costs of this action;
- (3) Other such relief as the Court should find as required from the evidence adduced.

Respectfully Submitted,

JOEL PELOFSKY
UNITED STATES TRUSTEE

Date: March 5, 1999

By:



Peter Lumaghi DCR# 44577

Assistant U.S. Trustee

815 Olive St. Room 412

St. Louis, Missouri 63101

(314) 539-2984

(314) 539-2990 Facsimile

B 104
(Rev. 2/92)

ADVERSARY PROCEEDING COVER SHEET

(Instructions on Reverse)

ADVERSARY PROCEEDING NUMBER
(Court Use Only)

99-4065

PLAINTIFFS

JOEL PELOFSY
UNITED STATES TRUSTEE

DEFENDANTS

BEVERLY HOLMES
D/B/A CRITIQUE SERVICE

ATTORNEYS (Firm Name, Address, and Telephone No.)

Peter Lumaghi 539-2984
Assistant U.S. Trustee
815 Olive St. Ste. 412
ST. Louis, Mo. 63101

ATTORNEYS (If Known)

Allen I. Harris 531-9077
4144 Lindell Ave. Ste. 203
St. Louis, Missouri 63108

PARTY (Check one box only) 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 U.S. NOT A PARTY

CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)

Complaint for Permanent Injunction and other relief for alleged violations of Missouri's unauthorized practice of law statute, 484.010 et seq., RSMo.

NATURE OF SUIT

(Check the one most appropriate box only.)

- | | | |
|---|---|---|
| <input type="checkbox"/> 454 To Recover Money or Property | <input type="checkbox"/> 455 To revoke an order of confirmation of a Chap. 11, Chap. 12, or Chap. 13 Plan | <input type="checkbox"/> 456 To obtain a declaratory judgment relating to any of foregoing causes of action |
| <input type="checkbox"/> 435 To Determine Validity, Priority, or Extent of a Lien or Other Interest in Property | <input type="checkbox"/> 426 To determine the dischargeability of a debt 11 U.S.C. §523 | <input type="checkbox"/> 459 To determine a claim or cause of action removed to a bankruptcy court |
| <input type="checkbox"/> 458 To obtain approval for the sale of both the interest of the estate and of a co-owner in property | <input checked="" type="checkbox"/> 434 To obtain an injunction or other equitable relief | <input type="checkbox"/> 457 To subordinate any allowed claim or interest except where such subordination is provided in a plan |
| <input type="checkbox"/> 424 To object or to revoke a discharge 11 U.S.C. §727 | <input type="checkbox"/> 498 Other (specify) | |

ORIGIN OF PROCEEDINGS

(Check one box only.)

- 1 Original Proceeding 2 Removed Proceeding 4 Reinstated or Reopened 5 Transferred from Another Bankruptcy Court

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND

NEAREST THOUSAND \$

OTHER RELIEF SOUGHT

Injunctive Relief

JURY DEMAND

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES

NAME OF DEBTOR

Daniele M. Hamilton

BANKRUPTCY CASE NO.

99-40898-172

DISTRICT IN WHICH CASE IS PENDING

Eastern District of Missouri

DIVISIONAL OFFICE

Eastern Division

NAME OF JUDGE

James J. Barta

RELATED ADVERSARY PROCEEDING (IF ANY)

PLAINTIFF

N/A

DEFENDANT

ADVERSARY PROCEEDING NO.

DISTRICT

DIVISIONAL OFFICE

NAME OF JUDGE

FILING FEE

(Check one box only.)

FEE ATTACHED

FEE NOT REQUIRED

FEE IS DEFERRED

DATE 3.5.99

PRINT NAME

Peter Lumaghi

SIGNATURE OF ATTORNEY (OR PLAINTIFF)

ADVERSARY PROCEEDING COVER SHEET (Reverse Side)

This cover sheet must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney) and submitted to the Clerk of the court upon the filing of a complaint initiating an adversary proceeding.

The cover sheet and the information contained on it *do not* replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. This form is required for the use of the clerk of the court to initiate the docket sheet and to prepare necessary indices and statistical records. A separate cover sheet must be submitted to the clerk of the court for each complaint filed. The form is largely self explanatory.

Parties. The names of the parties to the adversary proceeding *exactly* as they appear on the complaint. Give the names and addresses of the attorneys if known. Following the heading "Party," check the appropriate box indicating whether the United States is a party named in the complaint.

Cause of Action. Give a brief description of the cause of action including all federal statutes involved. For example, "Complaint seeking damages for failure to disclose information, Consumer Credit Protection Act, 15 U.S.C. §1601 et seq.," or "Complaint by trustee to avoid a transfer of property by the debtor, 11 U.S.C. §544."

Nature of Suit. Place an "X" in the appropriate box. Only one box should be checked. If the cause fits more than one category of suit, select the most definitive.

Origin of Proceedings. Check the appropriate box to indicate the origin of the case:

1. Original Proceeding.
2. Removed from a State or District Court.
4. Reinstated or Reopened.
5. Transferred from Another Bankruptcy Court.

Demand. On the next line, state the dollar amount demanded in the complaint in thousands of dollars. For \$1,000 enter "1," for \$10,000 enter "10", for \$100,000 enter "100," if \$1,000,000, enter "1000." If \$10,000,000 or more, enter "9999." If the amount is less than \$1,000, enter "0001." If no monetary demand is made, enter "XXXX." If the plaintiff is seeking non-monetary relief, state the relief sought, such as injunction or foreclosure of a mortgage.

Bankruptcy Case In Which This Adversary Proceeding Arises. Enter the name of the debtor and the docket number of the bankruptcy case from which the proceeding now being filed arose. Beneath, enter the district and divisional office where the case was filed, and the name of the presiding judge.

Related Adversary Proceedings. State the names of the parties and the six digit adversary proceeding number from any adversary proceeding concerning the same two parties or the same property currently pending in any bankruptcy court. On the next line, enter the district where the related case is pending, and the name of the presiding judge.

Filing Fee. Check one box. The fee must be paid upon filing unless the plaintiff meets one of the following exceptions. The fee is not required if the plaintiff is the United States government or the debtor. If the plaintiff is the trustee or a debtor in possession, and there are no liquid funds in the estate, the filing fee may be deferred until there are funds in the estate. (In the event no funds are ever recovered for the estate, there will be no fee). There is no fee for adding a party after the adversary proceeding has been commenced.

Signature. This cover sheet must be signed by the attorney of record in the box on the right of the last line of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is *pro se*, that is, not represented by an attorney, the plaintiff must sign.

The name of the signatory must be printed in the box to the left of the signature. The date of the signing must be indicated in the box on the far left of the last line.

Attachment 44

1999 Injunction,
filed in *Pelofsky v. Holmes d/b/a Critique Service (In re Hamilton)*

RECEIVED

MAR 2 10 54 AM '99

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RECEIVED & FILED
FEE PAID
MAR 5 10 16 AM '99

In re: Hamilton, Daniele M.,
Debtor.
Joel Pelofsky
United States Trustee,
Plaintiff,
v.
Beverly Holmes, d/b/a Critique Service,
Defendant.

Case No. 99-40898-172
Chapter 7
Judge James J. Barta
Adversary Proceeding
No. _____

UNITED STATES BANKRUPTCY CT
EASTERN DISTRICT
ST. LOUIS, MISSOURI

99-4065

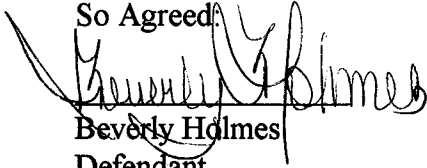
STIPULATION TO THE ENTRY OF A
CONSENT PERMANENT INJUNCTION AND COURT ORDER

Comes now the parties to this Adversary, the United States Trustee by his Assistant United States Trustee, Peter Lumaghi, and the Defendant, Beverly Holmes, d/b/a Critique Service, and agree to the following terms by their signatures which follow:

1. The parties are entering into this Stipulation in order to fully resolve allegations by the Office of United States Trustee that the Defendant Beverly Holmes has violated the Missouri statutes prohibiting the unauthorized practice of law and law business, RS Mo. Sec. 484.101 et seq. in and from the Eastern District of Missouri by the proposed Consent Permanent Injunction and Court Order.
2. The parties have read and fully understand the terms of the proposed Consent Permanent Injunction and Court Order and agree to be bound by its terms upon its execution by the Court.
3. The Defendant, Beverly Holmes, agrees to waive service of the Petition upon her. She further

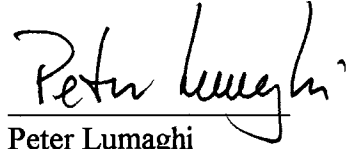
agrees that the proposed Consent Permanent Injunction and Court Order may be entered by the Court without further notice or hearing pursuant to this signed Stipulation.

So Agreed:



Beverly Holmes
Defendant

Date: 2.22.09



Peter Lumaghi
Office of U.S. Trustee

Date: 3.2.98



Allen I. Harris, Esq.
Defendant's Counsel

Date: 2.22.99

Attachment 45

Complaint, filed in *Pelofsky v. Holmes d/b/a Critique Service (In re Bass)*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RECEIVED
FEE PAID
2001 OCT 31 A 8:40
CLEARING
LAWSON
ST. LOUIS, MO

In re: Bass, Beatrice)
)
SSN: 587-30-4966)
)
Debtor.)
)
Joel Pelofsky)
United States Trustee,)
Plaintiff,)
)
v.)
)
Beverly Holmes, d/b/a Critique Service,)
Defendant.)

Case No. 00-48404-293

Chapter 7

Judge David P. McDonald

Adversary Proceeding

No.

01-4333 - 293

COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

COMES NOW Joel Pelofsky, United States Trustee for the Eastern District of Missouri (hereinafter referred to as "U.S. Trustee"), by his Assistant U.S. Trustee, Peter Lumaghi, and for his Complaint for Injunctive and Other Relief states to the Court as follows:

1. This is a core proceeding concerning the administration of the estate pursuant to 28 U.S.C. Section 157 (b)(2)(A). This Court may hear and determine the issues presented pursuant to Rule 29 of the United States District Court for the Eastern District of Missouri.
2. Venue is proper in this District pursuant to 28 U.S.C. Sec. 1409 (a).
3. Plaintiff Joel Pelofsky is the duly appointed and acting U.S. Trustee for the Eastern District of Missouri and brings this action pursuant to his statutory authority to monitor the administration of bankruptcy cases under 11 U.S.C. Section 586, to raise issues in bankruptcy issues under 11

.S.C. Section 307 and to bring actions to enjoin bankruptcy petition preparers from violating the provisions of 11 U.S.C. Section 110.

4. Defendant Beverly Holmes (hereinafter referred to as "Defendant Holmes") is an individual whose principal place of business is located at 4144 Lindell Blvd. Ste. 110, St. Louis, Missouri 63108.

5. From on or about January 1, 1997 to present, Defendant Holmes has engaged within this District in the business of providing legal services, including rendering legal advice and preparing bankruptcy schedules, statements and plans for debtors from whom she has received fees for her services. Defendant Holmes is not a duly licensed attorney and is not authorized to engage in the practice of law or law business in the State of Missouri.

6. When performed by an individual who is not a duly licensed attorney, the rendering of legal advice and the preparation of bankruptcy statements, statements and plans for others constitutes the unauthorized practice of law and law business in the State of Missouri. Sections 484.010 and 484.020 RSMo 1994; Rules of Court-E.D. Mo., Rule 83-12.01.

7. On March 9, 1999, Defendant Holmes was permanently enjoined and prohibited from engaging in certain acts and practices as a bankruptcy petition preparer by a court order filed in the case of Hamilton, Daniele, 99-40898-172, adv. 99-4065. Defendant Holmes as well as others at her direction were enjoined and prohibited from engaging in five defined areas of unauthorized practice of law and law business as well as a requirement that Defendant Holmes carry out the requirements of 11 U.S.C. Sec. 110 in the preparation of bankruptcy documents.

8. On March 22, 1999, Defendant Holmes was served with a certified copy of the Permanent Injunction and Court Order.

9. Since March 22, 1999, Defendant Holmes or others under her direction and control have violated the Permanent Injunction and Court Order by engaging in the unauthorized practice of law and law business in the State of Missouri, to wit:

- a. Determining, without the participation or direction of debtors, what, if any, exemptions will be claimed on debtors' Schedule C;
- b. Advising debtors that failure to schedule an exemption may lead to the loss of the asset;
- c. Advising debtors to dismiss a pending Chapter 13 case in order that they may file subsequent Chapter 7 cases;
- d. Advising debtors to remove monies from financial institutions prior to filing bankruptcy to prevent said monies becoming property of debtors' estates;
- e. Advising debtors as to the availability of certain judicial districts in which debtors might file their bankruptcies;
- f. Advising debtors as to whether or not to list certain creditors on bankruptcy schedules;
- g. Advising debtors as to the consequences of filing bankruptcy, including the termination of garnishments;
- h. Advising debtors as to whether or not to list certain debts on bankruptcy schedules.

RELIEF

WHEREFORE, the United States Trustee prays this Court for an Order finding that the Defendant or others under her direction or control have engaged in the unlawful practice of law and law business since the entry and service upon Defendant Holmes of the Permanent Injunction and Court Order dated March 9, 1999.

FURTHER, the Court to find that the violations of the Permanent Injunction and Court Order of March 9, 1999 meet one or more of the requirements of 11 U.S.C. Sec. 110 (j)(1)(2)(A)(i) and that an injunction prohibiting the aforesaid unlawful conduct would be insufficient under 11 U.S.C. Sec. 110 (j)(1)(2)(B) to prevent Defendant Holmes' interference with the proper administration of justice

FURTHER, the Court to Order upon the Findings:

- (1) The Defendant to be permanently enjoined from acting as a bankruptcy petition preparer.
- (2) The Defendant to pay restitution to individuals harmed by the unlawful acts of the Defendant.
- (2) The Defendant to pay to the Office of U.S. Trustee all reasonable attorney's fees and costs of this action;
- (3) Other such relief as the Court should find as required from the evidence adduced.

Respectfully Submitted,

JOEL PELOFSKY
UNITED STATES TRUSTEE

Date: 10.31.01

By: P. Lumaghi
Peter Lumaghi DCR# 14577
Assistant U.S. Trustee
815 Olive St. Room 412
St. Louis, Missouri 63101
(314) 539-2984
(314) 539-2990 Facsimile

Attachment 46

2001 Injunction, entered in *Pelofsky v. Holmes d/b/a Critique Service (In re Bass)*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re: Bass, Beatrice	)	Case No. 00-48404-293
)	
SSN: 587-30-4966	)	Chapter 7
)	
Debtor.)	
)	
Joel Pelofsky	)	Judge David P. McDonald
United States Trustee,)	
Plaintiff,)	
)	
v.	)	Adversary Proceeding
	)	No. _____
Beverly Holmes, d/b/a Critique Service,)	
Defendant.)	

01 - 4333 - 293

CONSENT PERMANENT INJUNCTION AND COURT ORDER

At St. Louis, in this District, this 20th of Nov., 2001.

On the receipt of the Stipulation between the United States Trustee, Plaintiff, by his Assistant United States Trustee, Peter Lumaghi, and Defendant Beverly Holmes (hereinafter referred to as "Defendant Holmes") whereby the parties to this Adversary have agreed to the entry of a Consent Permanent Injunction and Court Order in full resolution of the allegations of the Complaint filed in this Adversary,

IT IS HEREBY ORDERED that the Defendant Holmes is permanently enjoined and prohibited from

1. Engaging herself or assisting others in the preparation of bankruptcy documents as a bankruptcy petition preparer as defined by 11 U.S.C. Sec. 110.

11/23/01
3

2. Engaging herself or assisting others in the unauthorized practice of law and law business in or from the State of Missouri, including, but not limited to:

(A) Soliciting financial and personal information from debtors to enable the Defendant or others at his direction to insert information into bankruptcy documents to be filed;

(B) Determining for or recommending to debtors when or in which District to file bankruptcy documents;

(C) Advising debtors of the consequences attendant to the filing of a petition or other documents under Title 11, United States Code;

(D) Advising or assisting debtors in connection with the preparation of bankruptcy documents as to:

(i) The classification of debt;

(ii) The meaning of legal terms;

(iii) The nature of available exemptions and the applicability of an exemption to an individual's circumstances;

(iv) Any issues pertaining to the ability or inability to discharge debt;

(v) Any issues pertaining to the automatic stay provisions of the Bankruptcy Code;

(vi) The correction of errors or omissions on bankruptcy form drafts submitted to Defendant for bankruptcy form preparation, other than as directed by debtors;

(vii) Any issues pertaining to the retention of assets by debtors on filing bankruptcy.

3. This Permanent Injunction and Court Order does not prohibit Defendant Holmes, as an employee or general contractor of a duly licensed lawyer, from carrying out the duties of a non-attorney assistant, including assisting in the preparation of bankruptcy documents, provided that her supervising attorney is responsible for her conduct as described in Missouri Supreme Court Rules of Professional Conduct 5.3, as may be amended.

Date: NOV 20 2001

So Ordered:


Bankruptcy Judge

Attachment 47

Objection, filed in *In re Hicks*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RECEIVED & FILED
2002 SEP 25 A 7 11

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

In Re:) Case No. 02-49006-399
Jerome Hicks)
Debtor.)
Chapter 13
Judge Barry S. Schermer
Hearing Date: 10.17.02
Hearing Time: 10:30 a.m.

UNITED STATES TRUSTEE'S OBJECTION TO DEBTOR'S ATTORNEY'S FEE REQUESTED IN
THE ATTORNEY FEE ELECTION FORM

NOW COMES Joel Pelofsky, the United States Trustee for the Eastern District of Missouri (hereinafter referred to as the "U.S. Trustee"), by his attorney Martha M. Dahm, and, pursuant to Sections 329(b) and 330 of the Bankruptcy Code, 11 U.S.C. Section 101 et seq. (hereinafter referred to as the "Code") moves this Honorable Court for entry of an order disallowing any attorney fees requested. In support thereof, the U.S. Trustee states as follows:

1. This is a core proceeding concerning the administration of the estate pursuant to 28 U.S.C. Section 157(b)(2)(A) which this Court may hear and determine pursuant to Rule 29 of the United States District Court for the Eastern District of Missouri.
2. On or about August 13, 2002, Debtor filed a voluntary petition under Chapter 13 of the Code.
3. The front page of the petition lists Critique Legal Services,

[Handwritten signature]
13

Beverly Holmes, 4144 Lindell, Ste. 100, St. Louis, MO 63108, as the name and address of the law firm representing the Debtor. The records of the Secretary of State, State of Missouri, reflect Critique Legal Services is a d/b/a of Beverly Holmes. Mr. Ross Briggs' signature is on the second page of the petition as the attorney for the Debtor. The line for the date of his signature is blank.

4. On or about August 28, 2002, a motion for extension of time to file schedules was filed, signed by Mr. Ross Briggs, as the attorney for the Movant, Critique Legal Services, 4144 Lindell Blvd., #100, St. Louis, MO 63108.

5. On or about September 3, 2002, schedules, statements, a Chapter 13 plan and analysis were filed and signed by the Debtor. Mr. Ross Briggs signed the Statement Pursuant to Rule 2016(b), as the attorney for petitioner. His address is listed as 4144 Lindell, #104, St. Louis, MO 63108.

6. On or about September 11, 2002, a 341 meeting was held. Diana Daugherty conducted the meeting on behalf of the Chapter 13 Trustee, John V. LaBarge, Jr.

7. Present at the 341 meeting was the Debtor and Mr. Ross Briggs, who appeared as Debtor's attorney.

8. The Debtor testified at the 341 meeting to the following:

- a. Debtor went to Critique Legal Services due to a foreclosure action filed against him.
- b. Debtor did not meet with an attorney at any time during the preparation, signing or filing of his bankruptcy documents by Critique Legal Services.
- c. Mr. Ross Briggs signed Debtor's petition as the attorney for the Debtor without meeting with the Debtor.

d. Debtor did not meet with an attorney until his 341 meeting date.

9. On the Statement of Financial Affairs, No. 9, it states that the Debtor paid Critique Legal Services, 4144 Lindell Ste. 100, St. Louis, MO 63108, \$99.00 in July, 2002. The Statement Pursuant to Rule 2016(b) filed by Mr. Ross Briggs states that he was paid \$99.00 prior to the filing of the Statement and that the balance of his fees is \$1,601.00.

10. At the 341 meeting the Chapter 13 Trustee's attorney, Diana Daugherty, found the following errors in Debtor's schedules:

a. Debtor's schedules failed to list the Debtor's 51% interest in a corporation, JA-DE Hicks, Inc., formed in April, 2002 and failed to list the Federal Tax ID Number used in Debtor's business.

b. Debtor's schedules failed to disclose ownership of assets used in Debtor's business.

c. Schedule I failed to disclose \$1,100.00 per month in rental income and failed to disclose dependent children.

d. Schedules D and F did not list dates regarding when the claims of creditors were incurred.

11. Mr. Ross Briggs failed to meet with the Debtor prior to the filing of Debtor's petition and schedules, furthermore, Debtor's schedules were filed incompletely and incorrectly, therefore, all fees requested by Debtor's counsel should be denied and all paid fees disgorged. In Matter of Dalton, 101 B.R. 820 (M.D. Ga. 1989); In Matter of Wilson, 11 B.R. 986 (Bankr. S.D.N.Y. 1981).

12. Based on the foregoing, the U.S. Trustee submits that due cause exists to deny the compensation requested and requiring disgorgement of any fees received.

WHEREFORE, the United States Trustee respectfully requests an order denying compensation requested and requiring disgorgement of any fees received and for such other relief as this Court deems just.

Respectfully submitted,
Joel Pelofsky
United States Trustee

By: 

Martha M. Dahm
111 South 10th St., Suite 6353
St. Louis, MO 63102

Date: September 24, 2002

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was mailed, first-class postage prepaid, on the 20th day of September 2002, to:

Ross Briggs
Critique Legal Services
4144 Lindell, Ste. 100
St. Louis, MO 63108

Jerome Hicks
11247 Old Halls Ferry
St. Louis, MO 63136

Jack LaBarge
P.O. Box 430908
St. Louis, MO 63143

M. Deane

Attachment 48

Order, entered in *In re Hicks*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In Re:	)	Case No. 02-49006-399
)	
Jerome Hicks)	
)	
	)	Chapter 13
)	
Debtor.)	
	)	Judge Barry S. Schermer
)	
	)	Re: 13
)	

AGREED ORDER

At Saint Louis, in this district, this ___ day of October, 2002.

The United States Trustee for the Eastern District of Missouri (hereinafter referred to as the "U.S. Trustee"), by his attorney, Martha M. Dahm, having filed an Objection to Debtor's Attorney's Fees Requested in the Attorney Fee Election Form on or about September 25, 2002. Based upon the consent of the parties, the U.S. Trustee and Mr. Ross Briggs, to this Agreed Order, as indicated by their signatures below, the Court hereby orders as follows:

IT IS ORDERED:

1. All monies paid to Mr. Ross Briggs or Critique Legal Services in this case shall be paid to the Debtor within 15 days from the entry of this order. According to the Statement Pursuant to Rule 2016(b) filed by Mr. Ross Briggs, the Debtor paid him \$99.00.

2. Mr. Ross Briggs agrees to comply with the bankruptcy code, bankruptcy rules and all local rules, in his representation of debtors in Chapter 13 cases, including, Local Rules of Bankruptcy Procedures for Chapter 13 Cases for the Eastern District of Missouri Rule 13-8, which requires Debtor's attorney to attend the following absent a showing for cause:

(a) all Section 341 meetings of creditors;

(b) all confirmation hearings unless an order of confirmation has been entered or no objection has been filed;

(c) all hearings on request to amend a confirmed plan;

(d) all other hearings and procedures as may be necessary to provide complete representation of the Debtor.

3. Mr. Ross Briggs agrees that he shall meet and consult with his clients prior to filing a bankruptcy petition.

4. Mr. Ross Briggs agrees that he must disclose all bankruptcy-related fee agreements and fees paid in bankruptcy cases.

5. Mr. Ross Briggs agrees that he must file complete and accurate schedules after consultation with each client and that all necessary bankruptcy documents and any amendments thereto must be filed in a timely fashion in bankruptcy cases.

6. Mr. Ross Briggs agrees to comply with the Supreme Court Rules of Prof. Conduct Rules, including Rule 4-5.3, which requires a lawyer to supervise his non-lawyer assistants, and Rule 4-5.4, which prohibits an attorney from practicing with or in the form of a professional corporation, limited liability company, or association authorized to practice law for a profit, if: (1) a non-lawyer owns any interest therein, except that a fiduciary representative of the estate of a lawyer may hold the stock or interest of the lawyer for a reasonable time during administration; (2) a non-lawyer is a corporate director or officer thereof or a manager of the limited

liability company; (3) a non-lawyer has the right to direct or control the professional judgment of the lawyer.

Approved as to form and content:

Ross Briggs *[Signature]* 10-30-02
Date

Martha Dahm *[Signature]* 10-30-02
Date
Trial Attorney
United States Trustee's Office

OCT 30 2002

Barry S. Schermer *[Signature]*
Barry S. Schermer
United States Bankruptcy Judge

Attachment 49

Docket sheet of *In re Wigfall*

CLOSED

**U.S. Bankruptcy Court
Southern District of Illinois (East St Louis)
Bankruptcy Petition #: 02-32059-kjm**

Assigned to: Honorable Kenneth J. Meyers
Chapter 13
Voluntary
Asset
[Claims Register](#)

Date filed: 05/31/2002
Date terminated: 10/25/2002
Date dismissed: 10/01/2002
341 meeting: 09/24/2002

Debtor
Robert Wigfall, Jr
615 N 80th St
East St Louis, IL 62203
ST. CLAIR-IL
SSN / ITIN: xxx-xx-2075

represented by **Robert Wigfall, Jr**
PRO SE

Trustee
James W McRoberts
Chapter 13 Trustee
33 Bronze Point
Suite 110
Belleville, IL 62226
(618) 277-0086

U.S. Trustee
United States Trustee
Becker Bldg, Room 1100
401 Main St
Peoria, IL 61602
(309) 671-7854

represented by **D Phillip Anderson**
401 Main St
Suite 1100
Peoria, IL 61602
(309) 671-7183

Filing Date	#	Docket Text
05/31/2002	1	Deficient Chapter 13 Voluntary Petition. Receipt Number O, Fee Amount \$185. Filed by pro se Robert Wigfall Jr. Government Proof of Claim due by 11/26/2002. Declaration of Bankruptcy Preparer due by 6/17/2002. Chapter 13 Plan due by 6/17/2002.

		(ab,) (Entered: 05/31/2002)
05/31/2002	2	First Meeting of Creditors & Notice of Appointment of Trustee James W. McRoberts with 341(a) meeting to be held on 06/25/2002 at 01:00 PM at 341 MTG RM 650 MO AVE Confirmation date: 07/02/2002 , Chapter 13 Proof of Claims due by 09/23/2002 (ab,) (Entered: 05/31/2002)
05/31/2002	3	Order and Deficiency Notice. Missing Documents; Chapter 13 Plan, Declaration of Bankruptcy Preparer. (ab,) (Entered: 05/31/2002)
05/31/2002		Receipt Number 74309, Fee Amount \$185 (related document(s) 1). (ch,) (Entered: 05/31/2002)
06/03/2002	4	Order directing debtor to commence plan payments within 30 days. (ss,) (Entered: 06/03/2002)
06/04/2002	5	Certificate of Service of Notices of Sections 341 Meeting. Filed by James W. McRoberts (related document(s) 2). (McRoberts, James) (Entered: 06/04/2002)
06/05/2002	6	BNC Certificate of Mailing. No. of Notices: 3. Service Date 06/05/02. (Related Doc # 3) (Admin.) (Entered: 06/06/2002)
06/05/2002	7	BNC Certificate of Mailing. No. of Notices: 3. Service Date 06/05/02. (Related Doc # 4) (Admin.) (Entered: 06/06/2002)
06/18/2002	8	Order Dismissing Case For Debtor's failure to file Chapter 13 Plan and Declaration of Bankruptcy Preparer. Deadline to File Motion to Reinstate Case: 6/28/2002. (gb,) (Entered: 06/18/2002)
06/20/2002	9	BNC Certificate of Mailing. No. of Notices: 3. Service Date 06/20/02. (Related Doc # 8) (Admin.) (Entered: 06/21/2002)
06/28/2002	10	Motion to Reinstate Case Filed by pro se Robert Wigfall Jr. Trustee Response/Reinstate due by 7/8/2002. (kd,) (Entered: 06/28/2002)
06/28/2002	11	Chapter 13 Plan Filed by pro se Robert Wigfall Jr. (kd,) (Entered: 06/28/2002)

07/03/2002	12	Objection to <i>Motion to Reinstate</i> . Filed by James W. McRoberts (related document(s) 10). (McRoberts, James) (Entered: 07/03/2002)
07/08/2002	13	Hearing before Judge Kenneth J. Meyers on Objection to Motion to Reinstate Filed by James W. McRoberts (related document(s) 12). Hearing scheduled for 7/24/2002 at 09:00 AM at Bankruptcy Court ESTL. (kl,) (Entered: 07/08/2002)
07/10/2002	14	BNC Certificate of Mailing. No. of Notices: 3. Service Date 07/10/02. (Related Doc # 13) (Admin.) (Entered: 07/11/2002)
07/16/2002	15	Chapter 13 Trustee Final Report and Account Filed by James W. McRoberts. (mcroj8,) (Entered: 07/16/2002)
07/24/2002	16	Minutes: Hearing is held on the Trustee's Objection to the Motion to Reinstate, filed by the debtor. Ronald Buch appears as counsel for the Trustee and Robert Wigfall appears. The Trustee reports to the Court that the debtor is delinquent \$925.00 which represents the first plan payment that was due at the end of June. Upon review of the record, this Court finds that Beverly Holmes of Critique Legal Services has prepared the debtor's petition. The debtor represents to the Court that he did not fill out his schedule of exemptions and that Beverly Holmes' service put the information on the schedule. This Court questions if Beverly Holmes and Critique Legal Services is practicing law without a license in violation of this Court's Order. An Order is to enter directing the United States Trustee to investigate this matter. An Order is to enter for Beverly Holmes and Critique Legal Services to appear at a date certain to show cause why they should not be further sanctioned for their violation of this Court's prior Orders and restrictions placed upon them and for Beverly Holmes and Critique Legal Services to show cause whether or not they are practicing law without a license. Robert Wigfall Jr is to be present at the show cause hearing. A further Order is to enter directing the Clerk of this Court to accept no further pleadings or cases from Beverly Holmes, Ross Briggs, or Critique Legal Services until further Order of this Court. This Court directs Beverly Holmes to prepare and file the Declaration of Bankruptcy Preparer within 10 days from today's date or face further sanctions by this Court. This Court directs the Trustee to serve the plan on the creditors and the Trustee's costs for his attorney fees and expenses for noticing the plan shall be taxed against Beverly Holmes. The first plan payment of the debtor that

		came due at the end of June is deferred pending further Order of this Court. The Motion to Reinstate, filed by the debtor, is Granted, and this case is Reinstated. (related document(s) 10 , 12). (kl,) (Entered: 07/24/2002)
07/24/2002	17	Certificate of Service to Beverly Holmes, Ross Briggs, and Critique Legal Services (related document(s) 16). (kl,) (Entered: 07/24/2002)
07/24/2002	18	Meeting of Creditors Continued to be held on 8/20/2002 at 01:00 PM at 341 MTG RM 650 MO AVE.Confirmation Date: 8/27/2002. (gb,) (Entered: 07/24/2002)
07/25/2002	19	Order to Show Cause and Notice. IT IS ORDERED that Beverly Holmes, Ross Briggs and Critique Legal Services appear to show cause why they should not be sanctioned. IT IS FURTHER ORDERED that the US Trustee shall review this matter, and that the US Trustee and the debtor shall appear at the hearing on 8/14/2002. Show Cause hearing to be held on 8/14/2002 at 09:00 AM at Bankruptcy Court ESTL. (gb,) (Entered: 07/25/2002)
07/25/2002	20	Certificate of Service to Robert Wigfall and Critique Legal Services-Beverly Holmes/Robert Briggs (related document(s) 19). (gb,) (Entered: 07/25/2002)
07/26/2002	21	BNC Certificate of Mailing. No. of Notices: 4. Service Date 07/26/02. (Related Doc # 16) (Admin.) (Entered: 07/27/2002)
07/26/2002	22	BNC Certificate of Mailing. No. of Notices: 22. Service Date 07/26/02. (Related Doc # 18) (Admin.) (Entered: 07/27/2002)
08/02/2002	23	Declaration by bankruptcy petition preparer filed. Filed by pro se Robert Wigfall Jr. (kd,) (Entered: 08/02/2002)
08/13/2002	24	Report to Court Filed by United States Trustee. (Anderson, D.) (Entered: 08/13/2002)
08/14/2002	25	Minutes: This Court conducts a show cause hearing as to Beverly Holmes, Ross Briggs, and Critique Legal Services. Beverly Holmes and Ross Briggs appear. James Magill appears as counsel for the United States Trustee, Ronald Buch appears as counsel for the Trustee, and Laura Grandy appears as a Chapter 7 Trustee in this district. By agreement, Beverly Holmes and Ross Briggs will

		<p>return their fees to the debtor along with the return of the filing fee and to pay the attorney fees for alternative counsel for the debtor. Under the allegations that have been admitted, this Court finds that there has been a violation of 11 USC 110(b), 11 USC 110(c), and 11 USC 110(h). On each one of B, C, and H this Court imposes sanctions of \$500.00 for a total sanctions of \$1,500.00 payable to the Court. This Court enjoins Beverly Holmes and Critique Legal Services from filing any further pleadings in this case. This Court will issue a permanent injunction against Beverly Holmes and Critique Legal Services from filing any cases as a petition preparer in this Court. A permanent injunction will enter against Critique Legal Services and Beverly Holmes from acting as a petition preparer in this Court. The Clerk is directed to no longer accept any new cases or pleadings from Critique Legal Services or Beverly Holmes. This Court will accept any pleadings or schedules that need to be filed to straighten up any pending cases only. This Court suspends Ross Briggs for a period of three months from practicing in this Court. During the three month period, the Clerk is directed to not accept any bankruptcy filings where Ross Briggs is the attorney. The reinstatement of Ross Briggs will be contingent upon Ross Briggs' certification that these problems will no longer exist, and the payment by Beverly Holmes of the penalties. The penalties will have to be paid prior to any reinstatement of Ross Briggs from practicing in this Court. Ross Briggs must also be certified for electronic filing with a login and password, and must seek admission to this Court before he will be allowed to file any pleadings with this Court in the future after the expiration of the three month period. The amounts that have been agreed upon as well as the amount of \$201, which is payable to the Chapter 13 Trustee, for the Trustee's fees and costs for service of the plan, as previously Ordered, must also be paid prior to the reinstatement of Ross Briggs. A written Order will enter. (kl,) (Entered: 08/14/2002)</p>
08/15/2002	26	<p>Ordered that Beverly Holmes and Critique Legal Services are permanently enjoined from filing any further documents as petition preparers and that Ross Briggs is suspended from filing any new cases for a period of 3 months and until all terms and conditions of order have been satisfied. (related document(s)19). (gb,) (Entered: 08/15/2002)</p>
08/15/2002	27	<p>Certificate of Service to Robert Wigfall, Beverly Holmes and Ross Briggs (related document(s)26). (gb,) (Entered: 08/15/2002)</p>

08/16/2002	28	BNC Certificate of Mailing. No. of Notices: 3. Service Date 08/16/02. (Related Doc # 25) (Admin.) (Entered: 08/17/2002)
08/26/2002	29	Motion to Dismiss Case <i>for failure to attend 341 meeting</i> . Filed by James W. McRoberts. (McRoberts, James) (Entered: 08/26/2002)
08/28/2002	30	Notice of Continuance of Meeting of Creditors Filed by James W. McRoberts. to be held on 9/24/2002 at 01:00 PM at 341 MTG RM 650 MO AVE. (mcroj1,) (Entered: 08/28/2002)
08/29/2002	31	Order Denying Motion to Dismiss Case (Related Doc # 29) (gb,) (Entered: 08/29/2002)
08/29/2002	32	Certificate of Service to Debtor Robert Wigfall (related document(s) 31). (gb,) (Entered: 08/29/2002)
08/30/2002	33	Certificate of Service <i>for order denying motion to dismiss case</i> . Filed by James W. McRoberts (related document(s) 31). (mcroj8,) (Entered: 08/30/2002)
08/30/2002	34	Notice of Continuance of Meeting of Creditors Filed by James W. McRoberts. to be held on 9/24/2002 at 01:00 PM at 341 MTG RM 650 MO AVE. (mcroj8,) (Entered: 08/30/2002)
09/27/2002	35	Motion to Dismiss Case <i>for Failure to Attend 341 Meeting</i> . Filed by James W. McRoberts. (mcroj8,) (Entered: 09/27/2002)
10/01/2002	36	Order Dismissing Case For Debtor's Failure to Attend 341 Meeting of Creditors. Deadline to File Motion to Reinstate Case: 10/11/2002. (gb,) (Entered: 10/01/2002)
10/03/2002	37	BNC Certificate of Mailing. No. of Notices: 3. Service Date 10/03/02. (Related Doc # 36) (Admin.) (Entered: 10/04/2002)
10/15/2002	38	Notice of Dismissal (kd,) (Entered: 10/15/2002)
10/17/2002	39	BNC Certificate of Mailing. No. of Notices: 22. Service Date 10/17/02. (Related Doc # 38) (Admin.) (Entered: 10/18/2002)
10/21/2002	40	Chapter 13 Trustee Final Report and Account Filed by James W. McRoberts. (mcroj8,) (Entered: 10/21/2002)

10/22/2002	41	Order to Close Case. (kd,) (Entered: 10/22/2002)
10/24/2002	42	BNC Certificate of Mailing. No. of Notices: 3. Service Date 10/24/02. (Related Doc # 41) (Admin.) (Entered: 10/25/2002)
11/13/2002		Receipt Number 76451, Fee Amount \$1500.00 (related document(s) 25). (ch,) (Entered: 11/13/2002)

Attachment 50

Order to Show Cause, entered in *In re Wigfall*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE:

In Proceedings
Under Chapter 13

ROBERT WIGFALL, JR.,

Case No. 02-32059

Debtor(s).

ORDER TO SHOW CAUSE AND NOTICE

This matter is before the Court *sua sponte*. On July 24, 2002, the debtor appeared before the Court without the benefit of counsel on his motion to reinstate his case. The debtor advised the Court that he had paid the sum of \$99.00 to Beverly Holmes and/or Critique Legal Services for the preparation of his bankruptcy petition, schedules and related documents. The debtor further advised the Court that he had not completed the schedule of exemptions himself, but rather that this schedule had been prepared by Beverly Holmes and/or Critique Legal Services. The debtor stated to the Court that he believed that an attorney from Critique Legal Services would be present at the hearing on July 24, 2002 to represent him.

The Court's review of the debtor's petition and schedules reveals a morass of conflicting statements with respect to the preparation of these documents. In the section on the petition entitled "Name and Address of Law Firm or Attorney," the debtor lists "Critique Legal Services, Beverly Holmes/Ross Briggs." In the section immediately following, debtor is asked to list the "name(s) of attorney(s) designated to represent the debtor." That section states "Beverly Holmes." The section that is to be checkmarked if the debtor is not represented by an attorney is left blank. All sections entitled "Certification and Signature of Non-Attorney Bankruptcy Petition Preparer" are marked "Not Applicable," while the section calling for the attorney's signature contains the typewritten name "Beverly Holmes" but no signature. Beverly Holmes and/or Critique Legal Services has not signed the declaration required by 11 U.S.C. § 110 and, in fact, that declaration had not been submitted as of

the time of the hearing. The debtor's statement of financial affairs states that he paid \$99.00 to Ms. Holmes but she has failed to file the requisite "Disclosure of Compensation of Bankruptcy Petition Preparer." Instead, a "Statement of Attorney for Petitioner Pursuant to Bankruptcy Rule 2016(b) has been filed reflecting the \$99.00 payment. On this form, the space to be executed by the attorney is left blank. However, under the signature line, the following is typed:

BEVERLY HOLMES, Bar no: 493-80-3893¹
Attorney for Debtor(s)

Ms. Holmes has been enjoined by this Court in the past from engaging in conduct which constitutes the unauthorized practice of law. Mr. Briggs, who is an attorney licensed in Missouri, has been admonished previously that he must seek general admission to practice in this District or admission *pro hac vice* for each case that he files. Mr. Briggs had failed to do either as of the time of the hearing.

Accordingly, IT IS ORDERED that Beverly Holmes, Ross Briggs and Critique Legal Services² appear on August 14, 2002, at 9:00 a.m., in the United States Bankruptcy Court, 750 Missouri Avenue, East St. Louis, Illinois. At this hearing, Beverly Holmes and Critique Legal Services shall show cause why they should not be sanctioned for failure to comply with 11 U.S.C. § 110 and for violation of the Court's prior injunction against the unauthorized practice of law. Mr. Briggs shall show cause why he should not be sanctioned for his failure to seek admission to represent the debtor in this case.

IT IS FURTHER ORDERED that the United States Trustee shall review this matter, and that the United States Trustee and the debtor shall appear at the hearing on August 14, 2002.

¹ The Court notes that the "bar number" appears to be a social security number.

² It is unclear if Beverly Holmes is doing business as Critique Legal Services or if it is a separate entity. If Critique Legal Services is a separate entity it must appear with counsel.

ENTERED: July 25, 2002

/s/ Kenneth J. Meyers
UNITED STATES BANKRUPTCY JUDGE

Attachment 51

Order, entered in *In re Wigfall*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE:

ROBERT WIGFALL, JR.

Debtor(s).

In Proceedings
Under Chapter 13

Case No. 02-32059

ORDER

THIS MATTER is before the Court on an Order to Show Cause. On July 25, 2002, this Court entered an Order requiring Beverly Holmes, Ross Briggs and Critique Legal Services to appear on August 14, 2002 and show cause why they should not be held in contempt for their failure to comply with 11 U.S.C. § 110 and for their violation of the Court's prior injunction against the unauthorized practice of law. Mr. Briggs was further ordered to show cause why he should not be sanctioned for failure to seek admission to this Court in order to represent the debtor in this case.

At hearing on August 14, 2002, both Ms. Holmes and Mr. Briggs appeared. Based on the allegations that were admitted by Mr. Briggs and Ms. Holmes in open court, the Court finds that Ms. Holmes, Mr. Briggs and Critique Legal Services have violated this Court's prior injunction against the unauthorized practice of law and §§ 110 (b), (c), and (h) of the Bankruptcy Code.¹ Accordingly,

¹The relevant sections of 11 U.S.C. § 110 provide:

(b)(1) A bankruptcy petition preparer who prepares a document for filing shall sign the document and print on the document the preparer's name and address

* * *

(c)(1) A bankruptcy petition preparer who prepares a document for filing shall place on the document, after the preparer's signature, an identifying number that identifies individuals who prepared the document.

* * *

(h)(1) Within 10 days after the date of the filing of a petition, a

IT IS ORDERED:

- (A) That Ross Briggs, Beverly Holmes and Critique Legal Services shall immediately disgorge any funds received as payment in this case to the debtor;
- (B) That Ross Briggs by agreement, shall pay all attorney's fees and costs incurred by the debtor in obtaining alternative counsel in this case;
- (C) That Beverly Holmes and Critique Legal Services are permanently enjoined from filing any further documents as petition preparers in the United States Bankruptcy Court for the Southern District of Illinois;
- (D) That Ross Briggs is suspended from filing any new cases in the United States Bankruptcy Court for the Southern District of Illinois for a period of three (3) months;
- (E) That the Court imposes a fine of \$500.00 for each violation under § 110 for a total fine of \$1,500.00 against Ross Briggs, Beverly Holmes and Critique Legal Services pursuant to 11 U.S.C. §§ 110(b)(2), (c)(3), and (h)(4).
- (F) That these sanctions shall be paid to the Clerk of the United States Bankruptcy Court for the Southern District of Illinois within 90 days of the date of this Order or the date of Mr. Briggs' reinstatement, whichever occurs sooner;
- (G) That the Chapter 13 Trustee is awarded \$201.00 for attorney's fees and costs for services performed in this case. Ross Briggs, Beverly Holmes and Critique Legal Services shall pay this sum to James W. McRoberts, Chapter 13 Trustee, P.O. Box 24100, Belleville, Illinois 62223, within 90 days of the date of this Order or the date of Mr. Briggs' reinstatement, whichever occurs sooner;
- (H) That Mr. Briggs shall be reinstated to practice only after certifying that the problems such as the ones in this case no longer exist, that all sanctions have been paid in full, that he has been trained and certified to file documents electronically by this Court, and that he has been admitted to practice before this Court.

bankruptcy petition preparer shall file a declaration under penalty of perjury disclosing any fee received from or on behalf of the debtor within 12 months immediately prior to the filing of the case, and any unpaid fee charged to the debtor.

11 U.S.C. §§ 110(b)(1), (c)(1) and (h)(1). The Court may impose a fine of up to \$500.00 under each section for violations of these provisions. See 11 U.S.C. §§ 110(b)(2), (c)(3) and (h)(4).

ENTERED: August 15, 2002

/s/ Kenneth J. Meyers
UNITED STATES BANKRUPTCY JUDGE

Attachment 52

Motion for Civil Contempt, filed in *In re Wayne*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

11-06-02 10:00
CLERK

In Re:

Case No. 02-47990-172

Cicely Wayne

Chapter 7

Debtor.

Judge James J. Barta

Hearing Date: 11.06.02

Hearing Time: 10:00 a.m.

UNITED STATES TRUSTEE'S MOTION FOR REVIEW OF FEES UNDER 11 U.S.C. SECTION 329(b) AND Fed. R. Bankr. P. 2016(b); MOTION FOR SANCTIONS UNDER FED. R. BANKR. P. 9011(b) AGAINST MR. ROSS BRIGGS, THE ATTORNEY FOR THE DEBTOR; AND MOTION FOR AN ORDER OF SHOW CAUSE WHY MS. BEVERLY HOLMES SHOULD NOT BE HELD IN CIVIL CONTEMPT FOR VIOLATION OF A COURT ORDER UNDER 11 U.S.C. SECTION 105(a)

NOW COMES Joel Pelofsky, the United States Trustee for the Eastern District of Missouri (hereinafter referred to as the "U.S. Trustee"), by his attorney Martha M. Dahm, and, pursuant to Section 329(b) and Section 105(a) of the Bankruptcy Code and Fed. R. Bankr. P. 9011(b) and Fed. R. Bankr. P. 2016(b) of the Bankruptcy Rules, 11 U.S.C. Section 101 et seq. (hereinafter referred to as the "Code") moves this Honorable Court for entry of an order disgorging any fees received by Mr. Ross Briggs or Critique Legal Services; for sanctions against Mr. Ross Briggs including attorney's fees and expenses incurred by the Chapter 7 Trustee and the United States Trustee; and for an order to show cause why Ms. Beverly Holmes should not be held in civil contempt for violation of a court

12

A

order. In support thereof, the U.S. Trustee states as follows:

1. This is a core proceeding concerning the administration of the estate pursuant to 28 U.S.C. Section 157(b)(2)(A) which this Court may hear and determine pursuant to Rule 29 of the United States District Court for the Eastern District of Missouri.

2. On or about July 19, 2002, Debtor filed a voluntary petition under Chapter 7 of the Code.

3. The front page of the petition lists Critique Legal Services, Beverly Holmes/Ross Briggs, 4144 Lindell, Ste. 100, St. Louis, MO 63108, as the name and address of the law firm or attorney representing the Debtor. The records of the Secretary of State, State of Missouri, reflect Critique Legal Services is a d/b/a of Beverly Holmes (please see attached Exhibit A). Ms. Beverly Holmes is not an attorney. Ms. Holmes did not sign the bankruptcy petition as a bankruptcy petition petitioner. Furthermore, Ms. Holmes has been permanently enjoined as a bankruptcy petition preparer as defined by 11 U.S.C. Section 110 pursuant to a Court order dated November 20, 2001 (please see attached Exhibit B).

4. Mr. Ross Briggs' signature is on the second page of the petition as the attorney for the Debtor. The line for the date of his signature is blank.

5. The Statement of Financial Affairs, No. 9, states that the Debtor paid Beverly Holmes, 4144 Lindell Ste. 100, St. Louis, MO 63108, \$99.00 in June, 2002. The Statement Pursuant to Rule 2016(b) filed by Mr. Ross Briggs states that Mr. Ross Briggs did not receive compensation for the filing of the case. The Statement further discloses that a \$200.00 filing fee was paid.

6. E. Rebecca Case was appointed the Chapter 7 Trustee. A 341 meeting was set for August 23, 2002. The 341 meeting was continued due to the fact that Mr. Ross Briggs was on vacation and did not appear at the meeting and the Debtor requested a continuance. The 341 meeting was continued to September 19, 2002.

7. On September 19, 2002, E. Rebecca Case, Chapter 7 Trustee, conducted the 341 meeting. Present at the hearing was the Debtor, Mr. Ross Briggs, who appeared as Debtor's attorney, and Peter Lumaghi, Assistant United States Trustee.

8. The Debtor testified at the 341 meeting to the following:

a. Debtor went to Critique Legal Services to discuss her financial affairs.

b. Debtor did not meet with an attorney at any time during the preparation, signing or filing of her bankruptcy documents by Critique Legal Services.

c. Mr. Ross Briggs signed Debtor's petition as the attorney for the Debtor without having met with the Debtor concerning her bankruptcy.

9. At the 341 meeting the Chapter 7 Trustee, E. Rebecca Case, found the following errors in Debtor's schedules:

a. Debtor failed to list her income for the last calendar year on No. 1 of her Statement of Financial Affairs.

b. Debtor failed to list a bank account on No. 11 of her Statement of Financial Affairs.

c. Mr. Ross Briggs failed to date the petition in two places on page 2.

- d. Debtor's bank accounts have incorrect amounts listed on Schedule B.
- e. Schedule B lists wearing apparel for an incorrect amount.
- f. Schedule B fails to list any jewelry for the Debtor.
- g. Schedule B fails to list Debtor's security deposit with her landlord.
- h. Schedule C fails to list cash and clothing as Debtor's exemptions.
- i. Schedule D fails to list the address for Ford Credit, a secured creditor. The address for Ford Credit is also not listed on the matrix.
- j. Schedule F fails to list the addresses for several creditors. The addresses of these creditors are also not listed on the matrix.
- k. Schedule G fails to list Debtor's apartment lease.
- l. Schedule I fails to list Debtor's age or length of employment.
- m. Schedule J lists incorrect expenditures including car insurance and an auto payment. The auto was surrendered by the Debtor pre-petition.

10. Mr. Ross Briggs failed to meet with the Debtor prior to the filing of Debtor's petition and schedules. Furthermore, Debtor's schedules were filed incompletely and incorrectly. Counsel has a duty to meet with the Debtor prior to the bankruptcy filing to discuss the bankruptcy process and relief requested. In re Clark, 223 F.3d 859 (8th Cir. 1987); In Matter of Dalton, 101 B.R. 820 (M.D. Ga. 1989); In Matter of Wilson, 11 B.R. 986 (Bankr. S.D.N.Y. 1981).

11. This Court has jurisdiction under ***Fed. R. Bankr. P. 9011*** to assess attorney's fees as sanctions against attorneys who fail to comply

with the rule. In re Clark, 223 F.3d 859 (8th Cir. 2000) ; See: In re Arkansas Communities, Inc., 827 F.2d 1219, 1222 (8th Cir. 1987) . Mr. Ross Briggs did not meet with the Debtor until after the petition was filed. A non-attorney prepared and advised the Debtor about her bankruptcy. These actions are in violation of *Fed. R. Bankr. P. 9011 and V.A.M.R., Supreme Court Rules of Prof. Conduct Rule 4-5.3.*

12. Debtor's schedules were prepared by Critique Legal Services. Debtor did not meet with an attorney until after her bankruptcy petition was filed. Ms. Beverly Holmes is the owner of Critique Legal Services. The U.S. Trustee is requesting that this Court issue an order to show cause why Ms. Beverly Holmes should not be held in civil contempt. In re Clark, 223 F.3d 859, 864 (8th Cir. 1987); In re Courtesy Inns Ltd., Inc., 40 F.3d 1084, 1089 (10th Cir. 1994).

13. Based on the foregoing, the U.S. Trustee submits that due cause exists to disgorge all fees in this matter; Mr. Ross Briggs should be liable for all costs and expenses incurred in this matter by the Chapter 7 Trustee and the United States Trustee; and an order should be issued to show cause why Ms. Beverly Holmes should not be held in civil contempt for violation of a Court order.

WHEREFORE, the United States Trustee respectfully requests an order disgorging all fees received in this matter; for an order requiring Mr. Ross Briggs to pay all reasonable attorney's fees and expenses incurred in this matter by the Chapter 7 Trustee and the United States Trustee;

and for an order to show cause why Ms. Beverly Holmes should not be held
in civil contempt.

Respectfully submitted,
Joel Pelofsky
United States Trustee

By:

Martha M. Dahm
111 South 10th St.
Suite 6353
St. Louis, MO 63102

Date: October 8, 2002

No. X00414480

STATE OF MISSOURI



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Matt Blunt
Secretary of State

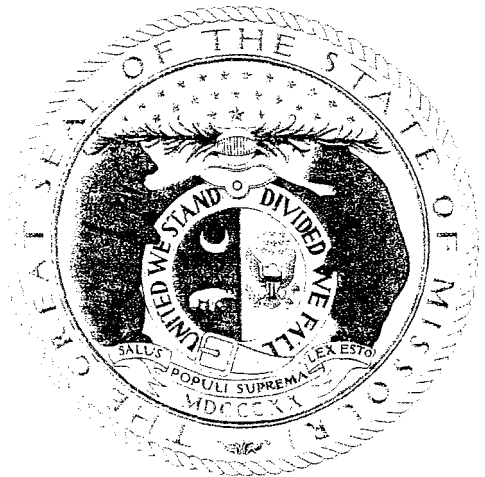
CORPORATION DIVISION

CERTIFICATE OF CORPORATE RECORDS

CRITIQUE LEGAL SERVICES

I, MATT BLUNT, Secretary of State of the State of Missouri and Keeper of the Great Seal thereof, do hereby certify that the annexed pages contain a full, true and complete copy of the original documents on file and of record in this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 27th day of SEPTEMBER, 2002.



Secretary of State

EXHIBIT

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State of Missouri
Matt Blunt, Secretary of State

Na . X~

Corporations Division

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AUG 09 2002

Registration of Fictitious Name.

(Submit in duplicate with fee of \$17)

(Must be typed or, printed)

This information is for the use of the public and gives no protection to the name. There is no provision in this Chapter to keep another person or business from adopting and using the same name. (Chapter 17, RSMo.)

We, the undersigned, are doing business under the following name, and at the following address:

Business name to be registered Wine & Spirits
Business Address: W a it
(P.O. Box also not acceptable)
City, State and Zip Code: ski

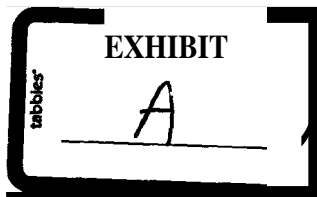
The parties having an interest in the business, and the percentage they own are (if a business entity is owner, indicate business name and percentage owned. If all parties are jointly and severally liable, percentage of ownership need not be listed):

Name of Owners, Individual or Business Entity	Street and Number	City	State and Zip Code	If Listed, Percentage of ownership must equal 100%
<u>Beverly Holmes</u>				

Return to: Secretary of State
Corporations Division
P.O. Box 776
Jefferson City, Mo. 65102

(Over)

Corp. #56 (11100)



J

The undersigned, bring a 10 parties owning interest in the above compare g drily sworn, upon their oaths each did say that the statements and teze et forth herein are true.

individual Owners Sign Here

X [Signature] _____
X _____

414480

AUG 09 2008

[Signature] SECRETARY OF STATE

if Business Entity is Owner, Authorized Person Execute Sere

1

Business Name

Authorized Signature

Printed Name

Title

State of Missouri

County of

St. Louis City

ss

[Signature] John Judd

A Notary Public, do hereby certify that an

0 month / day / year 6

personally appeared before me

1-1-08

and being duly sworn by me, acknowledged that

he/she signed as his/her own free act and deed the foregoing document in the capacity therein set forth and declared that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year before written.

(Notarial Seal or Stamp)

[Signature] John Judd
Notary Public

My commission expires

My Commission of Commission

Corp. #S6 (11/00)

JOHN JUDO
Notary Public - Notary Seal
STATE OF MISSOURI
St. LOUIS County
a. FHhru*N ~ 2. ~ 00~
my Comm

EXHIBIT

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re: Bass, Beatrice) Case No. 00-48404-293

SSN: 587-30-4966) Chapter 7

Debtor.)

Joel Pelofsky) Judge David P, McDonald

United States Trustee,)

Plaintiff,)

v.) Adversary Proceeding

No.

Beverly Holmes, d/b/a Critique Service,)

Defendant.)

01- 333 293

CONSENT PERMANENT INJUNCTION AND COURT ORDER

At St. Louis, in this District, this 4 day of April, 2001.

On the receipt of the Stipulation between the United States Trustee, Plaintiff, by his Assistant United States Trustee, Peter Lumaghi, and Defendant Beverly Holmes (hereinafter referred to as "Defendant Holmes") whereby the parties to this Adversary have agreed to the entry of a Consent Permanent Injunction and Court Order in full resolution of the allegations of the Complaint filed in this Adversary,

IT IS HEREBY ORDERED that the Defendant Holmes is permanently enjoined and prohibited from

1. Engaging herself or assisting others in the preparation of bankruptcy documents as a bankruptcy petition preparer as defined by 11 U.S.C. Sec. 110.

11/23/01 SP
(3)

2. Engaging herself or assisting others in the unauthorized practice of law and law business in or from the State of Missouri, including, but not limited to:

(A) Soliciting financial and personal information from debtors to enable the Defendant or others at his direction to insert information into bankruptcy documents to be filed;

(B) Determining for or recommending to debtors when or in which District to file bankruptcy documents;

(C) Advising debtors of the consequences attendant to the filing of a petition or other documents under Title 11, United States Code;

(D) Advising or assisting debtors in connection with the preparation of bankruptcy documents as to:

(i) The classification of debt;

(ii) The meaning of legal terms;

(i') The nature of available exemptions and the applicability of an exemption to an individual's circumstances;

(iv) Any issues pertaining to the ability or inability to discharge debt;

(v) Any issues pertaining to the automatic stay provisions of the Bankruptcy Code;

(vi) The correction of errors or omissions on bankruptcy form drafts submitted to Defendant for bankruptcy form preparation, other than as directed by debtors;

(vii) Any issues pertaining to the retention of assets by debtors on filing bankruptcy.

EXHIBIT

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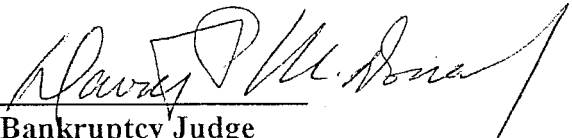
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3. This Permanent Injunction and Court Order does not prohibit Defendant Holmes, as an employee or general contractor of a duly licensed lawyer, from carrying out the duties of a non-attorney assistant, including assisting in the preparation of bankruptcy documents, provided that her supervising attorney is responsible for her conduct as described in Missouri Supreme Court Rules of Professional Conduct 5.3, as may be amended.

Date:

N [~ / ~ 0 ~ ~ ~]

So Ordered:

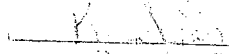

Bankruptcy Judge

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TEO ORIGINIL DOCUMENT

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Total # Pages of Document
(With Attachments): 3

Attorney: Dana E. Wiley
Clerk of Court, USBC-EDMO

By: 
Deputy Clerk

Date of Certification:

EXHIBIT

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CERTIFICATE OF SERVICE


I certify that a copy of the foregoing document was mailed, first-class postage prepaid, on the ,~°~'<'day of October 2002, to:

Ross Briggs
Critique Legal Services
4144 Lindell, Ste. 100
St. Louis, MO 63108

Beverly Holmes
Critique Legal Services
4144 Lindell, Ste.
St. Louis, MO 63108

Cicely Wayne
5537 Helen
St. Louis, MO 63136

E. Rebecca Case
Stone, Leyton & Gershman
7733 Forsyth, Suite 500
Clayton, MO 63105

A handwritten signature in black ink, appearing to be 'MK' with a flourish at the end.

Attachment 53

Order, entered in *In re Wayne*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re)
)
Cicely Wayne) Case No. 02-47990-172
) Chapter 7
) Motion 12
Debtor.)

ORDER

This matter concerns the “United States Trustee’s Motion For Review Of Fees Under 11 U.S.C. §329(b) and Fed. R. Bankr. P. 2016(b); Motion For Sanctions Under Fed. R. Bankr. P. 9011(b) Against Mr. Ross Briggs, The Attorney For The Debtor; And Motion For An Order Of Show Cause Why Ms. Beverly Holmes Should Not Be Held in Civil Contempt For Violation Of A Court Order Under 11 U.S.C. Section 105(a).” Ross Briggs, the attorney for the Debtor, appeared at the evidentiary hearing on January 28, 2003 and filed a written response to the United States Trustee’s motion; conducted cross examination; and provided direct testimony in response to the allegations. Additional exhibit evidence was submitted after the conclusion of the hearing. The matter was taken under submission while the Parties continued discussions in an attempt to resolve these issues and other related matters. An Order of Discharge was entered on December 13, 2002. This Order addresses the issues that have not otherwise been settled or resolved by the Parties.

This is a core proceeding pursuant to Section 157(b)(2)(A) of Title 28 of the United States Code. The Court has jurisdiction over the parties and this matter pursuant to 28 U.S.C. Sections 151, 157 and 1334, and Rule 81-9.01 of the Local Rules of the United States District Court for the Eastern District of Missouri.

Cicely Wayne (“Debtor”) filed a voluntary petition for relief under Chapter 7 on July 19, 2002. The document was filed in paper form. The Debtor signed and dated the Petition as well as other documents. Mr. Briggs signed the Petition and other documents as Attorney for the Debtor, but

failed to affix a date next to his signature. The meeting of creditors required by Section 341 was concluded by the Trustee on November 22, 2002, after having been continued five times because of incomplete or incorrect information on the Debtor's Schedules and Statement of Affairs. On October 8, 2002, after the second date set for the meeting of creditors, the United States Trustee filed the instant motion.

The Debtor and Debtor's Counsel have acknowledged that Mr. Briggs did not meet with his client, the Debtor, prior to filing the Chapter 7 Petition on July 19, 2002. **See Exhibit H**, Transcript of 341 meeting, September 19, 2002. In addition to the missing dates on the Petition, several of the Debtor's original Schedules required numerous amendments or major corrections. **Id.**

The delay and the extra work required to be performed by the case Trustee as a direct result of these omissions and inaccuracies was both voluminous and unnecessary.

Mr. Briggs received no fee directly from the Debtor for this case.

Based upon the entry of an order on or about December 29, 2003 in Case No. 02-53575-172, Adversary No. 03-4003-172, the United States Trustee's Motion for an Order to Show Cause directed to Beverly Holmes in this case was denied as moot.

In a separate Bankruptcy case filed under Chapter 13 on behalf of a different debtor, Ross Briggs entered into an Agreed Order dated October 30, 2002 (after the commencement of the case being considered here) wherein it is stated that:

"3. Mr. Ross Briggs agrees that he shall meet and consult with his clients prior to filing a bankruptcy petition."

At the hearing in this matter, Mr. Briggs reported that as of December 10, 2002, he was no longer associated with Critique Legal Services.

The facts and circumstances presented in this case are similar but not identical to the situation described in the recent decision of the Eighth Circuit Court of Appeals in **Briggs v. LaBarge (In re Phillips)**, No. 05-1106 (8th Cir. January 9, 2006). In the Phillips case, the Court

agreed with the bankruptcy court that Mr. Briggs violated Rule 9011 by filing the petition without meeting with the Debtor in that case. However, the Court ordered that the monetary and other sanctions imposed on Mr. Briggs in the Phillips case be stricken.

In the matter being considered here, the Court finds and concludes that Mr. Briggs violated Rule 9011 by filing the petition here without meeting with this Debtor.

In the circumstances presented here, and in view of the holding in the Phillips case, the Court finds and concludes further that sanctions against Mr. Briggs would be inappropriate and unwarranted; and that further sanctions including disgorgement of fees, against Critique Legal Services would be inappropriate and ineffective.

IT IS ORDERED that this matter is concluded; and that the United States Trustee's motion for disgorgement of fees and other sanctions against Critique Legal Services, Mr. Ross Briggs or Ms. Beverly Holmes is denied; and that all remaining requests in this matter are denied.

IT IS FURTHER ORDERED that the above case is transferred to Bankruptcy Judge David P. McDonald, and will hereafter be designated with the Number 293 in lieu of the Number 172.

DATED: January 25, 2006

St. Louis, Missouri



James J. Barta
Chief U. S. Bankruptcy Judge

Copy mailed to:

Office of the United States Trustee
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Suite 6.353
St. Louis, MO 63102

E. Rebecca Case
Trustee
7733 Forsyth Blvd., Suite 500
Saint Louis, MO 63105

Ross H. Briggs
Attorney for Debtor
Briggs Law Center
3910 Lindell Blvd.
St. Louis, MO 63108

Critique Legal Services
4144 Lindell, Suite 100
St. Louis, MO 63108

Beverly Holmes
Critique Legal Services
4144 Lindell, Suite 100
St. Louis, MO 63108

Attachment 54

Complaint filed in *Rendlen v. Briggs, et al. (In re Thompson)*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI

In re:	)	Case No. 02-53575-172
	)	Adversary No. _____
Deborah E. Thompson	)	Chapter 7
Debtor:)	
)	
Joel Pelofsky)	
United States Trustee,	)	03-4003
Eastern District of Missouri	)	172
Plaintiff	)	Honorable James J. Barta
v.	)	U.S. Bankruptcy Judge
Mr. Ross Briggs,)	
d/b/a/ Critique Legal Services)	
Defendant)	
Ms. Beverly Holmes,)	
d/b/a Critique Services,)	
d/b/a Critique Legal Services)	
Defendant)	
)	

UNITED STATES TRUSTEE'S COMPLAINT TO SUSPEND MR. ROSS BRIGGS FROM
THE PRACTICE OF LAW IN THE UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF MISSOURI FOR SANCTIONS AGAINST MS. BEVERLY
HOLMES AND MR. ROSS BRIGGS AND OTHER RELIEF AS PRAYED

Now comes Joel Pelofsky, the United States Trustee for the Eastern District of Missouri (hereinafter referred to as the "U.S. Trustee"), by his attorney Martha M. Dahm, and, pursuant to 28 U.S.C. Section 586(a)(3) and 11 U.S.C. Sections 105, 110, 307 and 329, 11 U.S.C. Section 101 et seq (hereinafter referred to as the "Code") moves this Honorable Court for an Order suspending Mr. Ross Briggs from the practice of law in the United States Bankruptcy Court for the Eastern District of Missouri, for sanctions against Ms. Beverly Holmes and Mr. Ross Briggs and for other relief as prayed for in this Complaint.

JURISDICTION

This is a core proceeding concerning the administration of the estate pursuant to 28 U.S.C. Section 157(b)(2)(A) which this Court may hear and determine pursuant to Rule 9.01 (B)(1) of the United States District Court for the Eastern District of Missouri. The U.S. Trustee has standing pursuant to 28 U.S.C. Section 586 and 11 U.S.C. Section 307 to bring this Complaint before the Court.

COUNT I

1. On or about September 25, 2002, the U.S. Trustee filed an Objection to Debtor's Attorney's Fee Requested in the Attorney Fee Election Form, in Bankruptcy Case No. 02-49006-399, *Jerome Hicks*, a chapter 13 proceeding.

2. On or about October 30, 2002, the U.S. Trustee and Mr. Ross Briggs entered into an agreed order in the *Hicks* matter which in part required that Mr. Ross Briggs in all future cases file complete and accurate schedules after consultation with each client, that all necessary bankruptcy documents and any amendments thereto must be filed in a timely fashion in bankruptcy cases, and that he comply with *Supreme Court Rules of Prof. Conduct Rules*, including Rule 4-5.3, which requires a lawyer to supervise his non-lawyer assistants (please see an attached agreed order marked as Exhibit A).

3. On or about October 8, 2002, the U.S. Trustee filed a Motion to Review Fees under 11 U.S.C. Section 329(a) and Fed. R. Bankr. P. 2016(b); Motion for Sanctions under Fed. R. Bankr. P. 9011(b) against Mr. Ross Briggs, the Attorney for the Debtor; and Motion for an Order of Show Cause Why Ms. Beverly Holmes Should Not be Held in Civil Contempt for Violation of a Court Order under 11 U.S.C. Section 105(a) in Bankruptcy Case No. 02-47990-172, *Cicely*

Wayne, a chapter 7 proceeding. This matter was originally set before this Honorable Court on November 6, 2002, and has been continued to January 28, 2003.

4. Mr. Ross Briggs, d/b/a Critique Legal Services, engages in a high volume chapter 7 debtor practice. In the month of October 2002, Mr. Ross Briggs filed, as debtor's attorney, approximately 158 chapter 7 bankruptcy petitions. In the month of November 2002, Mr. Ross Briggs filed, as debtor's attorney, approximately 389 chapter 7 bankruptcy petitions. This heavy volume of case filings was accompanied by a significant failure on part of debtors' counsel to file matrixes, schedules, statement of financial affairs, and other bankruptcy documents in a timely and accurate manner. This failure has created unnecessary and burdensome duties for the United States Bankruptcy Clerk's Office, chapter 7 trustees and the U.S. Trustee's Office. It has also created undue confusion for debtors, creditors and other parties in interest.

5. In reviewing the November 2002 filed cases the U.S. Trustee found seven areas of significant errors and omissions:

(A) Of the 389 cases reviewed, 363 cases were filed with the petition only. The matrix, schedules and statement were not filed with the petition.

(B) Of the 389 cases reviewed, a request for extension of time for the schedules, statement and/or the matrix was filed in 140 of the cases.

(C) In 12 of the cases reviewed, a request for extension of time was requested, but was unnecessary since the schedules, statement and/or matrix had already been filed.

(D) In 25 of the cases, a deficiency was noted in the attorney disclosure statement. In 2 of these cases a show cause setting has been set for January 21, 2003, to address the issue of missing information.

(E) In 251 cases, the docket sheet reflects that a document was filed untimely after the initial due date or the extension date. Of these cases, 71 were dismissed.

(F) Of the 389 cases reviewed, 95 cases were dismissed for failure to file timely schedules, statement and/or matrixes. Of the 95 cases dismissed, 79 motions to vacate the order of dismissal were requested. Of these 79 motions, 11 are still pending with the court, 28 motions were granted and 30 motions to vacate were denied.

(G) In 21 of the 30 cases where the motion to vacate the dismissal was denied, Mr. Ross Briggs failed to file the certification of dismissal as ordered by the Honorable Barry S. Schermer.

6. On or between November 10, 2002, and November 14, 2002, Mr. Ross Briggs filed approximately seventy-one (71) chapter 7 petitions (please see an attached list of cases marked as Exhibit B).

7. In each case listed in Exhibit B, Mr. Ross Briggs signed as the attorney for the Debtors.

8. In each case listed in Exhibit B, Mr. Ross Briggs failed to file a matrix with the petition as required under Fed. R. Bankr. P. 1007(a)(1). The United States Bankruptcy Clerk's Office, by a deficiency notice, required Debtors to file a matrix and verification thereto by a time certain in each case.

9. The seventy-one (71) cases filed between November 10, 2002, and November 14, 2002, were dismissed on or about November 26-27, 2002, for Debtors' failure to file a matrix and verification thereto within the time allowed by the deficiency order.

10. Mr. Ross Briggs filed a Motion to Vacate Dismissal and Reinstate Case in fifty-nine

of the filed cases listed in Exhibit B.

11. For at least eighteen (18) of the cases listed in Exhibit B, the Honorable Barry S. Schermer denied Debtors' Motions to Vacate Dismissal and Reinstate Cases.

12. In the cases that have been dismissed and were not reopened which are listed on Exhibit B, the U.S. Trustee requests that Mr. Ross Briggs be required to repay to the debtor the filing fee and any fees received for bankruptcy services. Mr. Ross Briggs signed as the attorney of record for these cases yet he failed to file the necessary bankruptcy documents in a timely manner. He has harmed the debtors by failing to process their bankruptcy prayers for relief. The debtors now have a dismissed bankruptcy chapter 7 case which may affect their credit ratings and future ability to obtain bankruptcy relief. The dismissals of these cases have been detrimental to the debtors, creditors and the bankruptcy system and process. Mr. Ross Briggs failure to prosecute the bankruptcy cases that he filed as the attorney of record should be sanctioned. Mr. Ross Briggs failed to act with reasonable diligence and promptness in representing the debtors as required by *V.A.M.R., Supreme Court Rules of Prof. Conduct Rule 4-1.3*.

13. In the cases that have been reopened the U.S. Trustee requests that Mr. Ross Briggs pay a sanction of \$500.00 to each debtor for each deficiency found by the Court. A first meeting of creditors in each of these 59 cases was scheduled but no notice to creditors was initially issued due to Mr. Ross Briggs failure to file matrixes in a timely manner. The meetings in these cases must be continued, which delays the administration of the cases, causes confusion to the parties in interest and may require debtors to appear at least twice for their meeting of creditors, causing undue hardship on the debtors, trustees and attending creditors.

14. After reviewing 58 of the 59 petitions and reviewing 53 of the 59 schedules,^{1/2} the U.S. Trustee has found that the petitions, schedules, and statement of financial affairs that are filed in these cases are incomplete and inaccurate. Please see attached Exhibit C which sets out a compendium of errors and omissions in these cases. The following summarizes the errors and omissions in the bankruptcy papers of the cases reviewed:

- (A) In the 58 petitions reviewed, one or more of the following deficiencies were found: debtor failed to date the petition; Mr. Ross Briggs failed to date Exhibit B on the petition; all boxes are not checked; debtor and/or debtor attorneys' information were incomplete.
- (B) In 40 of the 53 schedules reviewed, debtors only listed property in the following identical categories: cash, checking, clothing, household goods, and vehicles.
- (C) In 34 of the 53 schedules reviewed, where Schedule D lists secured claims, the account numbers for the creditors were missing.
- (D) In 42 of the 53 cases reviewed, the account numbers were completely missing from Schedule F (Creditors Holding Unsecured Nonpriority Claims). In 11 of the 53 cases reviewed, Schedule F was missing a significant percentage of account numbers.
- (E) In 12 of the 53 schedules reviewed, it appears that certain creditors listed on Schedule F should also be listed on Schedule E (Creditors Holding Unsecured Priority Claims).

^{1/2}Of the fifty-nine (59) cases subject to review, the petitions for fifty-eight (58) cases were reviewed. The petition in the Thompson case #02-53575 was unavailable for review. In addition, the schedules and statement of financial affairs were available for review in fifty-three (53) of the cases. The schedules and statement of financial affairs were unavailable for review in the following cases: Ballard #02-53512; Thompson #02-53575; Cummings #02-53592; Simms #02-53599; Meeks #02-53601; and Trice #02-53510.

(E) In 251 cases, the docket sheet reflects that a document was filed untimely after the initial due date or the extension date. Of these cases, 71 were dismissed.

(F) Of the 389 cases reviewed, 95 cases were dismissed for failure to file timely schedules, statement and/or matrixes. Of the 95 cases dismissed, 79 motions to vacate the order of dismissal were requested. Of these 79 motions, 11 are still pending with the court, 28 motions were granted and 30 motions to vacate were denied.

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7. In each case listed in Exhibit B, Mr. Ross Briggs signed as the attorney for the Debtors.

8. In each case listed in Exhibit B, Mr. Ross Briggs failed to file a matrix with the petition as required under Fed. R. Bankr. P. 1007(a)(1). The United States Bankruptcy Clerk's Office, by a deficiency notice, required Debtors to file a matrix and verification thereto by a time certain in each case.

9. The seventy-one (71) cases filed between November 10, 2002, and November 14, 2002, were dismissed on or about November 26-27, 2002, for Debtors' failure to file a matrix and verification thereto within the time allowed by the deficiency order.

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- (A) In the 58 petitions reviewed, one or more of the following deficiencies were found: debtor failed to date the petition; Mr. Ross Briggs failed to date Exhibit B on the petition; all boxes are not checked; debtor and/or debtor attorneys' information were incomplete.
- (B) In 40 of the 53 schedules reviewed, debtors only listed property in the following identical categories: cash, checking, clothing, household goods, and vehicles.
- (C) In 34 of the 53 schedules reviewed, where Schedule D lists secured claims, the account numbers for the creditors were missing.
- (D) In 42 of the 53 cases reviewed, the account numbers were completely missing from Schedule F (Creditors Holding Unsecured Nonpriority Claims). In 11 of the 53 cases reviewed, Schedule F was missing a significant percentage of account numbers.
- (E) In 12 of the 53 schedules reviewed, it appears that certain creditors listed on Schedule F should also be listed on Schedule E (Creditors Holding Unsecured Priority Claims).

^{1/}Of the fifty-nine (59) cases subject to review, the petitions for fifty-eight (58) cases were reviewed. The petition in the Thompson case #02-53575 was unavailable for review. In addition, the schedules and statement of financial affairs were available for review in fifty-three (53) of the cases. The schedules and statement of financial affairs were unavailable for review in the following cases: Ballard #02-53512; Thompson #02-53575; Cummings #02-53592; Simms #02-53599; Meeks #02-53601; and Trice #02-53510.

(F) In 37 of the 53 schedules reviewed, there was a discrepancy between Schedule J, Schedule A, and/or Schedule G. In each Schedule J (Current Expenditures of Individual Debtors) the debtors set out a payment for mortgage or rent. However, Schedule A (Real Property) does not state ownership of property to pay a mortgage and/or Schedule G (Executory Contracts and Unexpired Leases) does not list any executory contracts or unexpired leases.

(G) In 52 of the 53 schedules reviewed, Schedule I (Current Income of Individual Debtor(s)) was incomplete for marital status, age, employment address, or length of employment.

(H) In 20 of the 53 schedules reviewed, Schedule J did not list basic living expenses, such as auto insurance, utilities, food, clothing, etc.

(I) In 27 of the 53 Statement of Financial Affairs reviewed, question number one (1) of the statement did not list or completely list the income history of the debtor(s).

(J) In 24 of the 53 Statement of Financial Affairs reviewed, a review of question number three(3) based on Schedule J, monthly expense payment, suggests that there should be payments to creditors listed, however, no payments were listed.

(K) In 21 of the 58 matrixes reviewed, the address of one or more creditors was incomplete.

(L) In all 58 cases reviewed, Form 2016 was incomplete in failing to list debtors' name.

(M) In 16 of the 53 schedules reviewed, there was a discrepancy with the date the schedules were signed. The declarations concerning debtors' schedules were signed and dated prior to the filing date. The schedules were filed with a typed case number on all

pages except the debtors' signature page. The inclusion of the typed case numbers on these schedules makes it impossible for the debtors to have verified the case numbered schedules under penalty of perjury on the date the debtor signed the declaration concerning debtor's schedules.

(N) In the 27 of the 53 schedules reviewed, the date affixed to the declaration concerning debtors' schedules was dated prior to the bankruptcy filing date. This suggests that the schedules could have been filed concurrently with the petition. This fact scenario suggests the same type of questionable conduct identified in paragraph 15 number (M) above.

(O) Of the 53 cases reviewed, 39 cases have had verification of matrixes filed prior to the filing of this Complaint. In all of these 39 cases, the date of the filed verification was signed by the debtor prior to the date of the petition's filing. This suggests that the matrixes could have been filed concurrently with the petition, thereby avoiding case dismissal for failure to file timely the matrix and/or verification thereto.

15. When the filing of the petition and the preparation of the debtors' schedules and statement of financial affairs are not filed concurrently the information contained therein becomes inaccurate through the passage of time. Balances on existing obligations increase and decrease and new obligations are incurred. The delay also subjects the debtors to creditor actions during the delay period that otherwise would be forbidden by the automatic stay. The delays have the potential to place otherwise avoidable transfers outside of the applicable avoidance periods. Furthermore, the delay also causes additional administration problems for the United States Bankruptcy Clerk's Office regarding deficiency notices, for the U.S. Trustee's Office

the attorney of record with his law firm listed as Critique Legal Services. On Form 2016(b) Mr. Ross Briggs signs as the attorney for petitioner and states that he has received nothing for the legal services rendered and that the debtor owes him no fees.

2. In the majority of the 58 Statement of Financial Affairs reviewed, number 9 of the statement shows that Ms. Beverly Holmes received \$99.00 within one year immediately preceding the commencement of the case for consultation concerning debt consolidation, relief under the bankruptcy law, or preparation of the petition.

3. The records of the Secretary of State, State of Missouri, reflect Critique Legal Services is a d/b/a of Ms. Beverly Holmes (please see attached Exhibit D). Ms. Beverly Holmes is not an attorney. Ms. Beverly Homes did not sign the bankruptcy petition as a bankruptcy petition preparer. Furthermore, Ms. Beverly Holmes has been permanently enjoined as a bankruptcy petition preparer as defined by 11 U.S.C. Section 110 pursuant to Court orders dated March 9, 1999 and November 20, 2001 (please see attached Exhibit E).

4. The U.S. Trustee is informed and believes that Mr. Ross Briggs and Ms. Beverly Holmes entered into an agreement on or about August 15, 2001, in which Ms. Beverly Holmes authorized Mr. Ross Briggs to use of the name Critique Legal Services and provided him with client referrals, payments, staffing money and office space.

5. The U.S. Trustee is further informed and believes that:

(A) Ms. Beverly Holmes at all times relevant to the chapter 7 bankruptcy cases filed by Mr. Ross Briggs in November 2002, acted as a paralegal under his direction in the preparation of chapter 7 bankruptcy documents; and

(B) Ms. Beverly Holmes beginning on October 31, 2002, understood that Critique

Services was accepting chapter 7 clients in such number as to prohibit the timely preparation and filing of bankruptcy documents; however

(C) Ms. Beverly Holmes continued to assist in the preparation of bankruptcy documents throughout November, resulting in the filing of incomplete and untimely filed bankruptcy documents as described herein.

WHEREFORE, the U.S. Trustee requests that this Court issue its Order suspending Mr. Ross Briggs from the practice of law in the United States Bankruptcy Court for the Eastern District of Missouri for six months or longer; (2) Requiring Mr. Ross Briggs to pay a sanction of \$500.00 to each debtor for each deficient pleading or chapter 7 case dismissal caused by untimely document filing; (3) Requiring Mr. Ross Briggs attend 30 hours of ethical training; (4) Requiring Mr. Ross Briggs pay all Plaintiff's costs and attorney fees; (5) Permanently prohibiting Ms. Beverly Holmes from preparing bankruptcy documents or advising others concerning bankruptcy documents; and (6) Requiring Ms. Beverly Holmes to pay each debtor in the seventy-one (71) cases listed on Exhibit B all fees received from the debtors. The U.S. Trustee also requests such other and further relief as this Court deems just.

Respectfully Submitted,

Joel Pelofsky
United States Trustee



By: Martha M. Dahm
Trail Attorney
111 South 10th St., Suite 6353
St. Louis, MO 63102
(314)539-2982

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In Re:) Case No. 02-49006-399
)
Jerome Hicks)
)
) Chapter 13
)
Debtor.)
) Judge Barry S. Schermer
)
)
) Re: 13

AGREED ORDER

At Saint Louis, in this district, this ___ day of October, 2002.

The United States Trustee for the Eastern District of Missouri (hereinafter referred to as the "U.S. Trustee"), by his attorney, Martha M. Dahm, having filed an Objection to Debtor's Attorney's Fees Requested in the Attorney Fee Election Form on or about September 25, 2002. Based upon the consent of the parties, the U.S. Trustee and Mr. Ross Briggs, to this Agreed Order, as indicated by their signatures below, the Court hereby orders as follows:

IT IS ORDERED:

1. All monies paid to Mr. Ross Briggs or Critique Legal Services in this case shall be paid to the Debtor within 15 days from the entry of this order. According to the Statement Pursuant to Rule 2016(b) filed by Mr. Ross Briggs, the Debtor paid him \$99.00.

EXHIBIT

2. Mr. Ross Briggs agrees to comply with the bankruptcy code, bankruptcy rules and all local rules, in his representation of debtors in Chapter 13 cases, including, Local Rules of Bankruptcy Procedures for Chapter 13 Cases for the Eastern District of Missouri Rule 13-8, which requires Debtor's attorney to attend the following absent a showing for cause:

- (a) all Section 341 meetings of creditors;
- (b) all confirmation hearings unless an order of confirmation has been entered or no objection has been filed;
- (c) all hearings on request to amend a confirmed plan;
- (d) all other hearings and procedures as may be necessary to provide complete representation of the Debtor.

3. Mr. Ross Briggs agrees that he shall meet and consult with his clients prior to filing a bankruptcy petition.

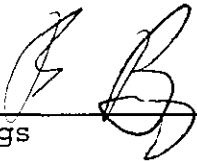
4. Mr. Ross Briggs agrees that he must disclose all bankruptcy-related fee agreements and fees paid in bankruptcy cases.

5. Mr. Ross Briggs agrees that he must file complete and accurate schedules after consultation with each client and that all necessary bankruptcy documents and any amendments thereto must be filed in a timely fashion in bankruptcy cases.

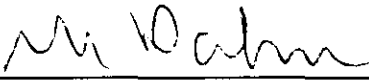
6. Mr. Ross Briggs agrees to comply with the Supreme Court Rules of Prof. Conduct Rules, including Rule 4-5.3, which requires a lawyer to supervise his non-lawyer assistants, and Rule 4-5.4, which prohibits an attorney from practicing with or in the form of a professional corporation, limited liability company, or association authorized to practice law for a profit, if: (1) a non-lawyer owns any interest therein, except that a fiduciary representative of the estate of a lawyer may hold the stock or interest of the lawyer for a reasonable time during administration; (2) a non-lawyer is a corporate director or officer thereof or a manager of the limited

liability company; (3) a non-lawyer has the right to direct or control the
professional judgment of the lawyer.

Approved as to form and content:

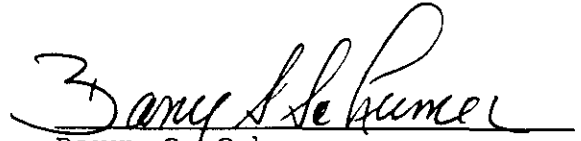
 10-30-02

Ross Briggs Date

 10-30-02

Martha Dahm Date
Trial Attorney
United States Trustee's Office

OCT 30 2002



Barry S. Schermer
United States Bankruptcy Judge

EXHIBIT

^

Copy mailed to:

Ross Briggs
Critique Legal Services
4144 Lindell, Ste. 100
St. Louis, MO 63108

Beverly Holmes
Critique Legal Services
4144 Lindell, Ste. 100
St. Louis, MO 63108

Jerome Hicks
11247 Old Halls Ferry
St. Louis, MO 63136

Jack LaBarge
P.O. Box 430908
St. Louis, MO 63143

United States Trustee's Office
111 South 11th st., Ste. 6353
St. Louis, MO 63102

EXHIBIT

**CASES DISMISSED
FILED BY
ROSS BRIGGS**

<u>Case No.</u>	<u>Case Name</u>	<u>Dismissed</u>	<u>Reason For Dismissal</u>
02-53247	Keith Ray	11/26/02	Failure to file matrix
02-53254	Virgil/Theresa Jones	11/26/02	Failure to file matrix
02-53273	Shauntay Mitchell	11/26/02	Failure to file matrix/verification of matrix
02-53274	Patricia Hall	11/26/02	Failure to file matrix/verification of matrix
02-53276	Duane Barnes	11/26/02	Failure to file matrix/verification of matrix
02-53291	Frances Griffin	11/26/02	Failure to file matrix/verification of matrix
02-53292	Lakeisha Harper	11/26/02	Failure to file matrix/verification of matrix
02-53322	Alfred Dees	11/26/02	Failure to file matrix/verification of matrix
02-53323	Kenya Stewart	11/26/02	Failure to file matrix/verification of matrix
02-53324	Jalanda Stowe	11/26/02	Failure to file matrix/verification of matrix
02-53325	Sherry Bonnett	11/26/02	Failure to file matrix/verification of matrix
02-53326	Lee/Steph..Sutherlin	11/26/02	Failure to file matrix/verification of matrix
02-53390	Victoria Gaddy	11/26/02	Failure to file matrix/verification of matrix
02-53491	Gloria Frost	11/26/02	Failure to file matrix
02-53496	Harlan Hodge	11/26/02	Failure to file matrix/verification of matrix
02-53498	Rita Thompson	11/27/02	Failure to file matrix/verification of matrix
02-53499	Maria Tufts	11/26/02	Failure to file matrix/verification of matrix
02-53509	Annie Hickman	11/26/02	Failure to file matrix
02-53510	Stanley Trice	11/26/02	Failure to file matrix
02-53511	Anjeanette Johnson	11/26/02	Failure to file matrix/verification of matrix
02-53512	Yolanda Ballard	11/26/02	Failure to file matrix/verification of matrix
02-53513	Carla Walker	11/26/02	Failure to file matrix/verification of matrix
02-53524	Monica/M...Holmes	11/27/02	Failure to file matrix/verification of matrix
02-53528	Joyce Fields	11/27/02	Failure to submit correct SSN in writing
02-53529	Annie Hickman	11/27/02	Failure to file matrix/verification of matrix
02-53530	Frances Hughes	11/27/02	Failure to file matrix/verification of matrix



02-53531	Ora Dennis	11/27/02	Failure to file matrix/verification of matrix
02-53532	Nancy Johnson	11/27/02	Failure to file matrix/verification of matrix
02-53533	Roosevelt Taylor	11/27/02	Failure to file matrix/verification of matrix
02-53534	Celestine Moore	11/26/02	Failure to file matrix/verification of matrix
02-53535	Raymond Vaultz	11/26/02	Failure to file matrix/verification of matrix
02-53538	Tyral Thompson	11/27/02	Failure to file matrix/verification of matrix
02-53539	Elsea Guido	11/27/02	Failure to file matrix
02-53544	Anthony Talton	11/27/02	Failure to file matrix/verification of matrix
02-53546	Brandy Pargo	11/26/02	Failure to file matrix
02-53548	Denise Nelson	11/26/02	Failure to file matrix
02-53549	Karen Harmon	11/26/02	Failure to file matrix
02-53550	Michelle Griffin	11/27/02	Failure to file matrix/verification of matrix
02-53552	Dwight Watson	11/26/02	Failure to file matrix/verification of matrix
02-53571	Charlotte Bell	11/26/02	Failure to file matrix
02-53572	Tifanee Ingram	11/27/02	Failure to file matrix/verification of matrix
02-53573	Janice Terry	11/27/02	Failure to file matrix/verification of matrix
02-53574	Joyce Johnson	11/27/02	Failure to file matrix/verification of matrix
02-53575	Deborah Thompson	11/27/02	Failure to file matrix/verification of matrix
02-53576	Sandra Cage	11/26/02	Failure to file matrix
02-53578	Quincy Nash	11/27/02	Failure to file matrix/verification of matrix
02-53580	Bridgett Prater	11/27/02	Failure to file matrix/verification of matrix
02-53582	Eric/Shani Bailey	11/27/02	Failure to file matrix/verification of matrix
02-53583	Ruby Mikell	11/27/02	Failure to file matrix/verification of matrix
02-53584	Garland/A...Jacobs	11/27/02	Failure to file matrix/verification of matrix
02-53585	Patrina Scott	11/26/02	Failure to file matrix
02-53586	Ruth Butler	11/26/02	Failure to file matrix
02-53587	Thresa Silverest	11/26/02	Failure to file matrix
02-53588	Eric Brown	11/27/02	Failure to file matrix/verification of matrix
02-53589	Mary Richardson	11/27/02	Failure to file matrix/verification of matrix
02-53590	Roy Yates	11/27/02	Failure to file matrix/verification of matrix

No. X00414480

STATE OF MISSOURI



Matt Blunt
Secretary of State


CORPORATION DIVISION

CERTIFICATE OF CORPORATE RECORDS

CRITIQUE LEGAL SERVICES

I, MATT BLUNT, Secretary of State of the State of Missouri and Keeper of the Great Seal thereof, do hereby certify that the annexed pages contain a full, true and complete copy of the original documents on file and of record in this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 27th day of SEPTEMBER, 2002.


Secretary of State



SEP-27-2002 12:25

SEC. OF STATE INC.

573 522 6525 P.



State of Missouri
Matt Blunt, Secretary of State

No. X _____

Corporations Division

FILI

Registration of Fictitious Name

AUG 0 9

(Submit in duplicate with filing fee of \$7)

(Must be typed or printed)

Matt Blunt
SECRETARY

This information is for the use of the public and gives no protection to the name. There is no provision in it to keep another person or business from adopting and using the same name. (Chapter 417, RSMo.)

We, the undersigned, are doing business under the following name, and at the following address:

Business name to be registered:

Critique Legal Services

Business Address:
(P.O. Box alone not acceptable)

4144 Lindell Ste 100

City, State and Zip Code:

St. Louis Mo 63108

The parties having an interest in the business, and the percentage they own are (if a business entity is owned: business name and percentage owned. If all parties are jointly and severally liable, percentage of ownership need not

Name of Owners, Individual or Business Entity	Street and Number	City	State and Zip Code
Beverly Holmes	4144 Lindell Ste 100	St. Louis	Mo 63108

Return to: Secretary of State
Corporations Division
P.O. Box 778
Jefferson City, Mo. 65102

(Over)

EXHIBIT

The undersigned, being all the parties owning interest in the above comp[any], being duly sworn, upon the ir oat that the statements and matters set forth herein are true.

Individual Owners Sign Here

X Beverly Holmes X
X _____ X
X _____ X

FILED

AUG 09 2002

Matt Blunt
SECRETARY

414480

If Business Entity Is Owner, Authorized Person Execute Here

Business Name _____

Authorized Signature _____

Printed Name _____

Title _____

State of Missouri

County of St. Louis City } ss

I, John Judd, A Notary Public, do hereby certify that on 08-01 month/day/

personally appeared before me Beverly Holmes, and being duly sworn by me, acknowledge/she signed as his/her own free act and deed the foregoing document in the capacity therein set forth and declared that therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year before written.

(Notarial Seal or Stamp)

John Judd
Notary Public

My commission expires _____

My County of Commission _____

Corp. #56 (11/00)

JOHN JUDD
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires February 12, 2005

EXHIBIT

RECEIVED
MAR 11 10 30 AM '99

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re: Hamilton, Daniele M.	)	Case No. 99-40898-172
)	
	)	Chapter 7
Debtor.)	
)	
Joel Pelofsky	)	Judge James J. Barta
United States Trustee,)	
Plaintiff,)	
)	
v.	)	Adversary Proceeding
	)	No. _____
Beverly Holmes, d/b/a Critique Service,)	
Defendant.)	

99 - 4085

CONSENT PERMANENT INJUNCTION AND COURT ORDER

At St. Louis, in this District, this 9th of March, 1999.

On the receipt of the Stipulation between the United States Trustee, Plaintiff, by his Assistant United States Trustee Peter Lumaghi, and Beverly Holmes, Defendant, represented by Allen I. Harris, Esquire, whereby the parties to this Adversary have agreed to the entry of a Consent Permanent Injunction and Court Order in full resolution of the allegations of the Complaint filed in this Adversary,

IT IS HEREBY ORDERED that the Defendant Beverly Holmes is permanently enjoined and prohibited from the following acts and practices as a bankruptcy petition preparer:

1. Engaging herself or directing others in the unauthorized practice of law and law business in the State of Missouri by:

(A) Soliciting financial and personal information from debtors to enable the

EXHIBIT

Defendant or others at her direction to insert information into bankruptcy documents to be filed;

(B) Determining for or recommending to debtors when or in which District to file bankruptcy documents;

(C) Advising debtors of the consequences attendant to the filing of a petition or other documents under Title 11, United States Code;

(D) Advising or assisting debtors in connection with the preparation of bankruptcy documents as to:

(i) The classification of debt;

(ii) The meaning of legal terms of art;

(iii) The nature of available exemptions and the applicability of an exemption to an individual's circumstances;

(iv) Any issues pertaining to the ability or inability to discharge debt;

(v) Any issues pertaining to the automatic stay provisions of the Bankruptcy Code;

(vi) The correction of errors or omissions on bankruptcy form drafts submitted to Defendant for bankruptcy form preparation, other than as directed by debtors;

(vii) Any issues pertaining to the retention of assets by debtors on filing bankruptcy;

(E) Informing creditors of debtors for whom the Defendant has filed bankruptcy documents that the debtors have filed bankruptcy;

2. Failing to carry out the requirements of 11 U.S.C. Sec. 110 in connection with the preparation of bankruptcy documents.



IT IS FURTHER ORDERED that all other requests in this matter are DENIED.


James J. Barta
United States Bankruptcy Judge

cc:

Office of U.S. Trustee
815 Olive St. Ste. 412
St. Louis, Missouri 63101

Beverly Holmes
4144 Lindell Ave. Ste. 110
St. Louis, Missouri 63108

Allen I. Harris, Esq.
4144 Lindell Ave. Ste. 203
St. Louis, Missouri 63106

Daniele M. Hamilton
5816 Romaine Pl.
St. Louis, Missouri 63112

A:/PetitionPreparer.HolmesInj

EXHIBIT

*BD filed in BH
wed
11:00
Wed. 1*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re: Bass, Beatrice	)	Case No. 00-48404-293
)	
SSN: 587-30-4966	)	Chapter 7
)	
Debtor.)	
)	
Joel Pelofsky	)	Judge David P. McDonald
United States Trustee,)	
Plaintiff,)	
)	
v.	)	Adversary Proceeding
	)	No. _____
Beverly Holmes, d/b/a Critique Service,)	
Defendant.)	

01 - 4333 - 29

CONSENT PERMANENT INJUNCTION AND COURT ORDER

At St. Louis, in this District, this 20th of Nov., 2001.

On the receipt of the Stipulation between the United States Trustee, Plaintiff, by his Assistant United States Trustee, Peter Lumaghi, and Defendant Beverly Holmes(hereinafter referred to as "Defendant Holmes") whereby the parties to this Adversary have agreed to the entry of a Consent Permanent Injunction and Court Order in full resolution of the allegations of the Complaint filed in this Adversary,

IT IS HEREBY ORDERED that the Defendant Holmes is permanently enjoined and prohibited from

1. Engaging herself or assisting others in the preparation of bankruptcy documents as a bankruptcy petition preparer as defined by 11 U.S.C. Sec. 110.



11/2

2. Engaging herself or assisting others in the unauthorized practice of law and law business in or from the State of Missouri, including, but not limited to:

(A) Soliciting financial and personal information from debtors to enable the Defendant or others at his direction to insert information into bankruptcy documents to be filed;

(B) Determining for or recommending to debtors when or in which District to file bankruptcy documents;

(C) Advising debtors of the consequences attendant to the filing of a petition or other documents under Title 11, United States Code;

(D) Advising or assisting debtors in connection with the preparation of bankruptcy documents as to:

(i) The classification of debt;

(ii) The meaning of legal terms;

(iii) The nature of available exemptions and the applicability of an exemption to an individual's circumstances;

(iv) Any issues pertaining to the ability or inability to discharge debt;

(v) Any issues pertaining to the automatic stay provisions of the Bankruptcy Code;

(vi) The correction of errors or omissions on bankruptcy form drafts submitted to Defendant for bankruptcy form preparation, other than as directed by debtors;

(vii) Any issues pertaining to the retention of assets by debtors on filing bankruptcy.



3. This Permanent Injunction and Court Order does not prohibit Defendant Holmes, as an employee or general contractor of a duly licensed lawyer, from carrying out the duties of a non-attorney assistant, including assisting in the preparation of bankruptcy documents, provided that her supervising attorney is responsible for her conduct as described in Missouri Supreme Court Rules of Professional Conduct 5.3, as may be amended.

So Ordered:

Date: NOV 20 2001

Nancy M. Dona

Bankruptcy Judge

RECEIVED AS A TRUE COPY
OF THE ORIGINAL DOCUMENT

FILED: 11-20-01

United States Bankruptcy Court
Western District of Missouri

Clinton, Missouri
Federal Building, Room 2050-2050

By: [Signature]
Clerk

Date of certification:



Attachment 55

Order with Briggs, entered in *Rendlen v. Briggs, et al. (In re Thompson)*

RECEIVED

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI

APR 29 2 54 PM '03

In re:	)	Case No. 02-53575-172
	)	Adversary No. 03-4003-172
Deborah E. Thompson	)	Chapter 7
Debtor.)	
)	
Joel Pelofsky)	
United States Trustee,)	
Eastern District of Missouri	)	Honorable James J. Barta
Plaintiff	)	U.S. Bankruptcy Judge
v.)	
Mr. Ross Briggs,)	
d/b/a/ Critique Legal Services)	
Defendant)	
)	
Ms. Beverly Holmes,)	
d/b/a Critique Services,)	
d/b/a Critique Legal Services)	
Defendant)	
)	

AGREED ORDER BETWEEN THE UNITED STATES TRUSTEE AND DEFENDANT,
ROSS BRIGGS

At Saint Louis, in this district, this 30th day of April, 2003.

The United States Trustee for the Eastern District of Missouri (hereinafter referred to as the "U.S. Trustee"), by his attorney Martha M. Dahm, filed a Complaint to Suspend Ross Briggs, Esq. (Briggs) from the Practice of Law in the United States Bankruptcy Court for the Eastern District of Missouri, for Sanctions Against Ms. Beverly Holmes and Briggs and Other Relief as Prayed on January 13, 2003. Based upon the consent of the parties, the U.S. Trustee and Briggs, represented by Mr. David Lander, Esq., to this Agreed Order as indicated by their signatures below, the Court enters the following relief in complete satisfaction of the allegations of the

filed Complaint:

IT IS ORDERED:

1. Briggs shall pay \$10,000.00 as and for settlement of this matter in six (6) equal monthly installments commencing May 1, 2003 and on the first day of each month thereafter until paid in full. This payment shall be paid in equal shares to the debtors for whom Briggs filed a Chapter 7 Petition from October 30, 2002 through November 14, 2002 (see attached list A). Briggs shall file verification with the U.S. Trustee's Office of such payments within 15 days after each installment is distributed. Payment of unclaimed funds shall be made into the Registry of the Court.
2. Briggs shall attend 10 hours of ethical or bankruptcy training, such as but not limited to, the Missouri Bar Bankruptcy Seminar and the Chapter 13 Seminar, every year for the next three years from the entry of this order. Said training will be monitored by the United States Trustee's Office. Briggs shall provide the United States Trustee's Office with a copy of his annual report of compliance to the Missouri Bar for Continuing Legal Education.
3. Briggs shall not file any new bankruptcy cases, directly or indirectly through others, in the United States Bankruptcy Court for the Eastern District of Missouri for six months from the entry of this order. Briggs shall continue as debtor's counsel in cases that have been previously filed unless Briggs complies with Missouri Supreme Court Rules of Prof. Conduct 4-1.16, which requires certain steps that must be taken by an attorney before he is allowed to withdraw as the attorney of record.
4. Briggs, after the above-mentioned six-month period, shall only file bankruptcy cases that

have complete schedules, statements of financial affairs, matrixes, verification of matrixes, 2016(b) disclosures and all other such documents as required by the Code or Rules, unless there exists exigent circumstances for the filing of an emergency petition.

5. In those cases which have not been reinstated or refiled (see attached list B), Briggs shall reimburse each debtor all filing fees paid in the cases within thirty days from the entry of this Order. Briggs shall submit sufficient verification of payment to the United States Trustee's Office within thirty days thereafter. Payments required to be made pursuant to this paragraph are in addition to payments required to be made pursuant to paragraph 1 of this Agreed Order.

6. Briggs shall comply with the bankruptcy code, bankruptcy rules and all local rules in his future representation of debtors. This includes the following:

(A) Briggs, or an associate or partner in the same firm, shall attend Section 341 meetings of creditors.

(B) Briggs, or an associate or partner in the same firm, shall meet and consult with each client prior to filing a bankruptcy petition. At that meeting, counsel shall make adequate inquiry as to the financial condition of the client, including the client's assets and liabilities, and all other information reasonably necessary to prepare complete and accurate schedules. Said meeting shall also include an explanation of the effects of bankruptcy on the client.

(C) Briggs shall comply with the provisions of Section 329 of the Code and Bankruptcy Rule 2016, relating to the employment and fee payment by counsel in bankruptcy cases.

(D) Briggs shall file complete and accurate schedules, statement of financial affairs and all other papers filed with the Court. Said papers shall be filed after reasonable inquiry by Briggs as to the veracity of the information provided and after consultation with each client as required by

Bankruptcy Rule 9011. All necessary bankruptcy documents and any amendments thereto shall be filed in a timely fashion.

(E) Briggs shall comply with the Missouri Supreme Court Rules of Prof. Conduct, including Rule 4-5.3, which requires a lawyer to supervise his non-lawyer assistants.

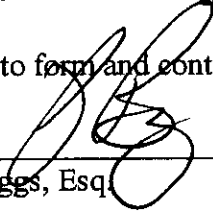
7. Briggs shall immediately notify in writing all clients not previously notified in writing of his current address and/or change of employment status. Verification of this should be submitted to the U.S. Trustee's Office within ten days from the entry of this order. He shall keep all clients and the Court informed as to his current business address and phone number. Furthermore, he shall keep clients reasonably informed about the status of a matter and promptly comply with reasonable requests for information as provided for in Missouri Supreme Court Rules of Prof. Conduct 4-1.4, which requires reasonable communications with clients.

8. It is ordered and the parties agree that this Order fully and finally resolves any and all disputes, claims, and controversies against Briggs involving the filing, failure to file or incomplete filing of bankruptcy documents by Briggs commencing on October 1, 2002 through January 13, 2003, the filing date of the U.S. Trustee's underlying Complaint.

By acknowledging his consent to this Agreed Order, Briggs denies liability on his part with respect to any matters covered by or otherwise referenced in this Order. The parties consent to this Agreed Order solely for the purpose of compromise and settlement and to avoid the burden

and expense of continued litigation.

Approved as to form and content:



Mr. Ross Briggs, Esq.

Date:

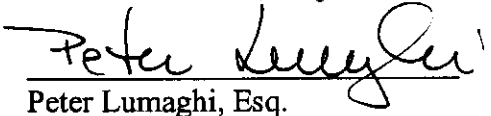
4-25-03



Mr. David Lander, Esq.

Date:

4/25/03




Peter Lumaghi, Esq.

Date:

April 24, 2003

AUST

United States Trustee's Office

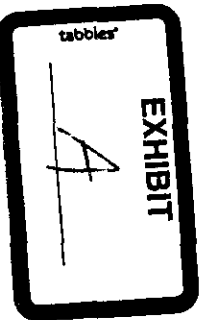


James J. Barta
United States Bankruptcy Judge

Ch. 7 cases where Ross Briggs is Debtor's attorney
period - October 30, 2002 through November 14, 2002

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02-53296	7N	2002-11-10	TURNER, KALONDRRA
02-53297	7N	2002-11-10	BORDEAUX, DEBRA ANN
02-53298	7N	2002-11-10	BENSON, MYRTLE JEAN
02-53299	7N	2002-11-10	SMITH, ANGELA R.
02-53300	7N	2002-11-10	ALEXANDER, LARISSA Y
02-53301	7N	2002-11-10	JACKSON, JERRI D.
02-53306	7N	2002-11-10	HENDERSON, RODNEY B
02-53307	7N	2002-11-10	RODDERS, STACEY RENEE
02-53308	7N	2002-11-10	HUDSON, ROSE
02-53309	7N	2002-11-10	CLARK, PATRICIA
02-53323	7N	2002-11-10	HELLIEMS-STEWART, KEN
02-53324	7N	2002-11-10	STOWE, JALANDA LEATR
02-53325	7N	2002-11-10	BONNETT, SHERRY
02-53326	7N	2002-11-10	SUTHERLIN, LEE CARL
02-53390	7N	2002-11-10	GADDY, VICTORIA MARI
02-53391	13	2002-11-12	BUNTING, BARBARA M.
02-53392	13	2002-11-12	MORRIS, CECILIA
02-53393	13	2002-11-12	FLETCHER, SHARITA R.
02-53425	7N	2002-11-12	CUNNINGHAM, CHARLENE
02-53427	7N	2002-11-12	RICHARDSON, PATRICE
02-53432	7N	2002-11-12	JOHNSON, DARREN K.
02-53433	7N	2002-11-12	EVANS, DARRELL L.
02-53434	7N	2002-11-12	FISHER, LASHENA D.
02-53435	7N	2002-11-12	PORTER, ELESIA SHATO
02-20649	7N	2002-11-13	FARRAH, KRISTINA M.A
02-53416	7A	2002-11-13	PETTY-SMITH, AMANDA
02-53417	7A	2002-11-13	JONES, MAKEYTA
02-53418	7N	2002-11-13	BELL, JESSICA
02-53419	7N	2002-11-13	HICKMAN, MARK E.
02-53420	7N	2002-11-13	HOWARD, JAMES E.
02-53421	7A	2002-11-13	BANDERMAN, AMY S.
02-53422	7N	2002-11-13	LACKLAND, EYDIE T.
02-53423	7N	2002-11-13	WALLACE, CHERRY DENI
02-53424	7N	2002-11-13	AMERSON, CATINA M.
02-53426	7A	2002-11-13	ROGERS, JAMES E.
02-53428	7A	2002-11-13	DOSS, SHANTA
02-53429	7N	2002-11-13	COLLINS, LATASHA L.
02-53430	7N	2002-11-13	LUCKEY, DARRYN SR.
02-53431	7N	2002-11-13	COLLINS, SHANNON K.
02-53437	7A	2002-11-13	SCRUDGS, MONICA ANN
02-53438	7A	2002-11-13	JOHNSON, WILIE
02-53439	7N	2002-11-13	JOINER, KATINA
02-53440	7N	2002-11-13	MCCARTER, WARION L.

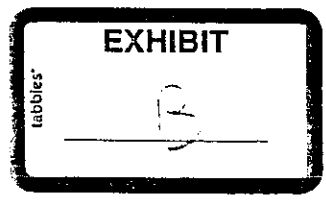
Court Case Number	Ch. 7 cases (Briggs - Dtr aty)	PAGE	Dtr Atty Code	
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02-53477	13	2002-11-13	ALEXANDER, CORTLAND	2137
02-53505	7N	2002-11-13	HALL, CHANTA RENEE	
02-53506	13	2002-11-13	PERRY, JANICE D.	
02-53507	13	2002-11-13	MONDARNE, VANERIA	
02-53509	7A	2002-11-13	HICKMAN, ANNIE LEE	
02-53511	7N	2002-11-13	JOHNSON, ANDEANETTE	
02-53512	7N	2002-11-13	BALLARD, YOLANDA REN	
02-53513	7N	2002-11-13	WALKER, CARLA RENEE	
02-53514	7N	2002-11-13	MAULDIN, LISA ROCHEL	
02-53487	7N	2002-11-14	ROBINSON, MAYOLA	
02-53488	7N	2002-11-14	PARHAM, SANDRA	
02-53489	7N	2002-11-14	ROGERS, PHYLLIS	
02-53490	7N	2002-11-14	DUFF, RANDY K.	
02-53491	7N	2002-11-14	FROST, GLORIA JEAN	
02-53492	7A	2002-11-14	DAVIS, FRANK	
02-53493	7A	2002-11-14	GRIFFIN, MICHELLE Y.	
02-53494	7A	2002-11-14	WALKER, CARLA RENEE	
02-53495	7N	2002-11-14	DAY, WILLIE F.	
02-53496	7N	2002-11-14	HODGE, HARLAN	
02-53497	7N	2002-11-14	WILSON, AMOS	
02-53498	7N	2002-11-14	THOMPSON, RITA FAYE	
02-53499	7N	2002-11-14	TUFTS, MARIA ROBIN	
02-53500	7N	2002-11-14	WOODARD, OTIS LEYLAND	
02-53501	7N	2002-11-14	BELK, RUSSELL KEITH	
02-53502	7N	2002-11-14	ISAAC, BOBBY CURTIS	
02-53503	7N	2002-11-14	PATTERSON, EMINICE	
02-53508	13	2002-11-14	BOYD, CINDY	
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02-53527	7N	2002-11-14	CARTER, IDA J.	
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02-53529	7N	2002-11-14	HICKMAN, ANNIE LEE	
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02-53531	7N	2002-11-14	DENNIS, ORA	
02-53532	7A	2002-11-14	JOHNSON, NANCY PATRI	
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02-53537	7N	2002-11-14	ROGERS, CAMEDIA	
02-53538	7N	2002-11-14	THOMPSON, TYRAL ANN	
02-53539	7N	2002-11-14	GUIDO, ELSA JR.	
02-53540	7N	2002-11-14	COTHRINE, ANA MALIA	
02-53541	7N	2002-11-14	RUSSELL, LISA RENEE	
02-53542	7N	2002-11-14	MCELROY, MARYLYN J.	
02-53543	7N	2002-11-14	BELTON, KAREN R.	
02-53544	7N	2002-11-14	TALTON, ANTHONY	

Court Case Number	Ch. 7 cases (Briggs - Dlr atly)	PAGE	9
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7N	2002-11-14	PARGO, BRANDY	
7N	2002-11-14	GLOVER, ANISA MARIE	
7N	2002-11-14	NELSON, DENISE N.	
7N	2002-11-14	HARMON, KAREN MICHEL	
7N	2002-11-14	GRIFFIN, MICHELLE Y.	
7N	2002-11-14	JOHNSON, ROSETTA A.	
7N	2002-11-14	MATSON, DWIGHT MAURI	
7N	2002-11-14	BELL, CHARLOTTE	
7N	2002-11-14	INGRAM, TIFANEE R.	
7N	2002-11-14	TERRY, JANICE	
7N	2002-11-14	JOHNSON, JOYCE A.	
7N	2002-11-14	THOMPSON, DEBORAH E.	
7N	2002-11-14	CAGE, SANDRA M.	
7N	2002-11-14	JOHNSON, ANNETTE	
7N	2002-11-14	NASH, QUINCY ANTON	
7N	2002-11-14	GIBBS, MICHELLE D.	
7N	2002-11-14	PRATER, BRIDGETT	
7N	2002-11-14	STOCKTON, JOYCE	
7N	2002-11-14	BAILLEY, ERIC	
7N	2002-11-14	MIKELL, RUBY J.	
7N	2002-11-14	TAYLOR, GARLAND	
7N	2002-11-14	SCOTT, PATRINA	
7N	2002-11-14	BUTLER, RUTH	
7N	2002-11-14	SILVEREST, THERESA AN	
7N	2002-11-14	BROWN, ERIC	
7N	2002-11-14	RICHARDSON, MARY VAL	
7N	2002-11-14	YATES, ROY JR.	
7N	2002-11-14	DANFORTH, NEEKIA F.	
7N	2002-11-14	CUMMINGS, VICKIE LYNN	
7N	2002-11-14	JOYNER, FAYE	
7N	2002-11-14	GATES, SHARON A.	
7N	2002-11-14	GREEN, VERONICA	
7N	2002-11-14	SIMMS, SHANEL ELAINE	
7N	2002-11-14	WALKER, SHAWNIAE	
7N	2002-11-14	MEERS, TONY	
7N	2002-11-14	WHITTIER, TERRENCS	
7N	2002-11-14	GARNER, DENISE	
7N	2002-11-14	KIRKSEY, YOLANDA	
7N	2002-11-14	LIDDELL, WARREN LEE	
7N	2002-11-14	ADAMS, ANNETTE	
7N	2002-11-14	HARRIS, DANA R.	
7N	2002-11-14	JOHNSON-KING, LYNETT	
7N	2002-11-14	SYKES, DEBORAH A.	
7N	2002-11-14	MCDONALD, NAKELITA	

*** E N D O F R E P O R T ***

"02-"

- 52658 Beauregard
- 52740 Frenchie
- 52767 William
- 52778 Moore
- 52918 King
- 52956 Primus
- 53094 Hollis
- 53105 Lee
- 53107 Burton
- 53247 Ray
- 53249 Shim
- 53252 Torrence
- 53253 Cohen
- 53255 Jackson
- 53256 Ransom
- 53272 Taylor
- 53276 Barnes
- 53281 Coney
- 53291 Griffin
- 53322 Dees
- 53323 Hellems-Stewart
- 53325 Bonnett
- 53326 Sutherlin
- 53419 Hickman
- 53496 Hodge
- 53499 Tufts
- 53509 Hickman
- 53510 Trice
- 53511 Johnson
- 53512 Ballard
- 53513 Walker
- 53532 Johnson, N
- 53534 Moore, C
- 53535 Vaultz
- 53540 Cothrine
- 53546 Pargo
- 53550 Griffin
- 53576 Cage
- 53585 Scott
- 53586 Butler
- 53587 Silverest
- 53590 Yates
- 53591 Danfort
- 53592 Cummings
- 53596 Joyner
- 53598 Green
- 53599 Simms
- 53601 Meeks
- 53603 Williams, J
- 53605 Kirksey
- 53607 Adams
- 53610 Sykes



Attachment 56

Order enjoining Diltz and Critique Services L.L.C.,
entered in *Rendlen v. Briggs, et al. (In re Thompson)*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI

In re:	)	Case No. 02-53575-172
	)	Adversary No. 03-4003-172
Deborah E. Thompson	)	Chapter 7
Debtor.)	
)	
)	
)	
)	
C.E. "Sketch" Rendlen III	)	Honorable James J. Barta
United States Trustee,	)	U.S. Bankruptcy Judge
Eastern District of Missouri)	
Plaintiff)	
)	
v.)	
Ms. Beverly Holmes)	
d/b/a Critique Services)	
d/b/a Critique Legal Services)	
and Critique Legal Services, L.L.C.)	
Defendants)	

PERMANENT INJUNCTION AND CONSENT DECREE

At St. Louis, in this District, this 29TH of December 2003.

The United States Trustee, Plaintiff, by his Attorney, Martha M. Dahm, and Defendants, Beverly Holmes, d/b/a Critique Services, d/b/a Critique Legal Services and Critique Legal Services, L.L.C., by their attorney Leonard Komen, agree to the entry of the following Permanent Injunction and Consent Decree:

IT IS HEREBY ORDERED that the Defendants Beverly Holmes, d/b/a Critique Services, d/b/a Critique Legal Services, and Critique Legal Services, L.L.C., (hereinafter referred to as "Defendants") shall comply with the Consent Permanent Injunction and Court Order dated

March 9, 1999, entered in the Adversary Proceeding No. 99-4065, Joel Pelofsky v. Beverly Holmes, d/b/a Critique Service, Case No. 99-40898-172, In Re Daniele M. Hamilton, and with the Consent Permanent Injunction and Court Order dated November 20, 2001, entered in the Adversary Proceeding No. 01-4333, Joel Pelofsky v. Beverly Holmes, d/b/a Critique Service, Case No. 00-48404-293, In Re Beatrice Bass. These Orders shall remain in full force and effect against Defendant Beverly Holmes, d/b/a Critique Services, d/b/a Critique Legal Services and shall be enforceable against Defendant Critique Legal Services, LLC.

IT IS FURTHER ORDERED that Defendants are permanently barred from being a bankruptcy petition preparer in this District.

IT IS FURTHER ORDERED that Defendants are barred from being a bankruptcy petition preparer in any other District within the United States for a period to two years from the entry of this order.

IT IS FURTHER ORDERED that this bar includes the following as defined in 11 U.S.C. Section 110:

- (A) Engaging in or advising debtors as to the preparation or filing of bankruptcy documents.
- (B) Defendants Beverly Holmes and other non-lawyer assistants under their control or supervision may not accept monies in their name from individuals seeking bankruptcy relief or financial advice.
- (C) Defendants nor any entity controlled by Defendants shall not receive any monies in Defendants' name from individuals for bankruptcy services or preparation of bankruptcy documents.
- (D) Defendants shall not use the word "legal" or any similar term in any advertisements, or

advertise under any category that includes the word "legal" or any similar term.

(E) Defendants may not solicit financial or personal information from debtors to enable Defendants or others at under Defendants direction to insert information into bankruptcy documents to be filed.

(F) Defendants can not determine or recommend to debtors when or in which District to file bankruptcy documents.

(G) Defendants can not advise debtors of the consequences regarding the filing of a bankruptcy petition under Title 11 of the United States Code.

(H) Defendants can not assist or advise debtors in connection with the preparation of bankruptcy documents as to:

- (1) The classification of debt;
- (2) The meaning of legal terms;
- (3) The nature of available exemptions and the applicability of an exemption to an individual's circumstances;
- (4) Any issues pertaining to the ability or inability to discharge debt;
- (5) Any issues pertaining to the automatic stay provisions of the Bankruptcy Code;
- (6) The correction of errors or omissions on bankruptcy form drafts submitted to Defendants for bankruptcy form preparation other than as directed by debtors;
- (7) Any issues pertaining to the retention of assets by debtors on filing bankruptcy;
- (8) Any issues pertaining to reaffirmations or redemptions;
- (9) Any issues pertaining to lien avoidance under Section 522(f);

(10) Any issues regarding what action should be taken if an adversary action is filed against a debtor.

(I) Defendants and others under Defendants control shall not explain any issues to debtors arising from the use of a questionnaire form.

(J) Notwithstanding the foregoing Defendants and others under Defendants control shall be authorized but limited to typing or transcribing written information provided to them from the debtors at the direction of the supervising attorney in the office at Critique Services.

IT IS FURTHER ORDERED that Defendants consent to the United States Trustee's Office right to select at random clients from Critique Services and speak with them about debtors bankruptcy services provided to them from Critique Services.

IT IS FURTHER ORDERED that the United States Trustee's Motion for Rule to Show Cause against Beverly Holmes filed in In Re Cicely Wayne, Case No. 02-47990-172, shall be denied as moot upon proof of payment by Beverly Holmes that she paid the debtor \$99.00, and such others as agreed by Defendants. Proof of this payment shall be provided to the United States Trustee's Office within ten (10) days from the entry of this order.

IT IS FURTHER ORDERED that United States Trustee's Office has the right to request the appropriate relief in this matter if Defendants fail to abide by the terms of this Order and this settlement will be deemed as void and unenforceable.

___/s/Leonard Komen_____
Leonard Komen
7733 Forsyth Blvd., Ste. 300
Clayton, MO 63105

Date: 12.11.03

___/s/ Beverly Holmes_____
Beverly Holmes
Critique Services
4144 Lindell St. Suite 100
St. Louis, MO 63108

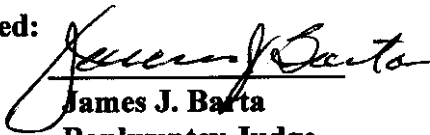
Date: 12.11.03

___/s/ Martha Dahm_____
Martha Dahm
Trial Attorney for the United States Trustee
111 South 10th St., Suite 6353
St. Louis, MO 63102

Date: 12.18.03

Date: 12-29-03

So Ordered:


James J. Barta
Bankruptcy Judge

Attachment 57

Motion to Show Cause, filed in *In re Bonner, et al.*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ILLINOIS**

In re:)	
)	
Barry Bonner,	)	Case Number 03-30784
	)	(Chapter 7)
)	
James L Scott,	)	Case Number 03-30999
	)	(Chapter 7)
)	
Brian Walkington,	)	Case Number 03-31264
	)	(Chapter 7)
)	
Rhonda M Nash,	)	Case Number 03-31395
	)	(Chapter 7)
)	
Shanaye Lejuana Rogers,	)	Case Number 03-31400
	)	(Chapter 7)
)	
Sharee D Brown,	)	Case Number 03-31504
	)	(Chapter 7)
)	
Ricky M Wiley, Sr.,	)	Case Number 03-31505
	)	(Chapter 7)
)	
Patricia Lynn Patton,	)	Case Number 03-31506
	)	(Chapter 7)
)	
Debtors.)	

MOTION FOR ORDER TO SHOW CAUSE

NANCY J. GARGULA, the United States Trustee for Region X, by Attorney D. Phillip Anderson, in support of this Motion states:

1. *In re Robert Wigfall*, Case Number 02-32059 came before the Bankruptcy Court on August 14, 2002, pursuant to a July 25, 2002 Order directing Beverly Holmes, Ross Briggs and Critique Legal Services to appear and show cause why they should not be held in contempt of court for their violations of 11 U.S.C. §110 and of the Court's prior injunction against the unauthorized practice of law.

2. Following the August 14 hearing, a written Order was entered on August 15, 2002, which provided, in relevant part:

(C) That Beverly Holmes and Critique Legal Services are permanently enjoined from filing any further documents as petition preparers in the United States Bankruptcy Court for the Southern District of Illinois.

3. Beverly Holmes does business both under the name Critique Legal Services and the name Critique Services.

4. All eight of the above-captioned cases share common facts:

A. Each is signed by attorney Leon Sutton.

B. Each lists "Critique Legal Services" as the "firm name."

C. Each lists an address of 4144 Lindell, Suite 100, St Louis, MO 63108.

This is the long-standing address of Beverly Holmes and her business.

D. Each is accompanied by a Rule 2016(b) Disclosure which shows attorney fees paid of \$0.00 and attorneys fees due of \$0.00.

5. In six of the eight cases, Item #9 of Debtors' Statements of Financial Affairs shows that Debtor paid Critique Legal Services \$99.00 for bankruptcy related services during calendar year 2003. The other two cases are *Brown* and *Nash*. In *Brown*, Debtor has not yet filed a Statement of Financial Affairs. In *Nash*, Item #9 is left blank.

6. In six of the eight cases, the Section 341 meeting is set for a future date. Mr Sutton did not appear for the §341 meeting in the other two cases. In *Bonner*, the Debtor also failed to appear, and the matter has been set for a future date. In *Scott*, the Debtor appeared and testified that he met with and had his schedules prepared by a woman at Critique Legal Services.

WHEREFORE, Beverly Holmes should be ordered to appear and show cause why she should not be held in contempt of court for violation of the Court's permanent injunction entered August 15, 2002.

Respectfully submitted,

NANCY J GARGULA
United States Trustee

By: /s/ D. Phillip Anderson
Attorney for U.S. Trustee

CERTIFICATE OF SERVICE

On April 16, 2003, I served this *Motion for Order to Show Cause* via First Class Mail upon the following named individuals at the addresses listed below. In addition, the Trustees and Mr Sutton were served electronically.

Laura K Grandy
Chapter 7 Trustee
720 West Main Street
Suite 100
Belleville IL 62220

Steven N Mottaz
Chapter 7 Trustee
2520 State Street
Alton IL 62002

Donald M Samson
Chapter 7 Trustee
226 West Main Street
Suite 102
Belleville IL 62220

Beverly Holmes
Critique Legal Services
4144 Lindell Suite 100
St Louis MO 63108

Leon Sutton ESQ
4144 Lindell Suite 100
St Louis MO 63108

Barry Bonner
1023 Paradise
E St Louis IL 62201

James L Scott
1624 N 50th
Washington Park IL 62204

Brian Walkington
706 State Highway 109
Jerseyville IL 62052

Rhonda M Nash
4053 Mississippi Ave #48
Cahokia IL 62206

Sharee D Brown
600 South 6th Street
Apt 113
Brooklyn IL 62057

Ricky M Wiley SR
8242 St Phillip
E St Louis IL 62203

Patricia Lynn Patton
759 N 70th St
E St Louis IL 62203

Shaunaye Lejuana Rogers
703 N Cherry Apt 2
O'Fallon IL 62269

United States Department of Justice
Office of the United States Trustee
401 Main Street, Suite 1100
Peoria, Illinois 61602
Telephone (309) 671-7854 ext 226
Telefax (309) 671-7857
phil.anderson@usdoj.gov

Respectfully submitted,

By: /s/ D. Phillip Anderson
Attorney for U.S. Trustee

Attachment 58

Order, entered in *In re Bonner, et al.*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ILLINOIS

In re:)	
)	
Barry Bonner,	)	Case Number 03-30784
	)	(Chapter 7)
)	
James L. Scott,	)	Case Number 03-30999
	)	(Chapter 7)
)	
Brian Walkington,	)	Case Number 03-31264
	)	(Chapter 7)
)	
Rhonda M. Nash,	)	Case Number 03-31395
	)	(Chapter 7)
)	
Shanaye Lejuana Rogers,	)	Case Number 03-31400
	)	(Chapter 7)
)	
Sharee D. Brown,	)	Case Number 03-31504
	)	(Chapter 7)
)	
Ricky M. Wiley, Sr.,	)	Case Number 03-31505
	)	(Chapter 7)
)	
Patricia Lynn Patton,	)	Case Number 03-31506
	)	(Chapter 7)
)	
Kelvin Fowler,	)	Case Number 02-34633
	)	(Chapter 13)
)	
Chantal Muhammad,	)	Case Number 03-30205
	)	(Chapter 13)
)	
Clara Franklin,	)	Case Number 03-31603
	)	(Chapter 7)
)	
Robert Lofton,	)	Case Number 03-31625
	)	(Chapter 7)
)	
Eloise Taylor,	)	Case Number 03-30892
	)	(Chapter 13)

Theophilus Bowie, Sr.,)	Case Number 03-31484
------------------------	---	----------------------

ECF DOCUMENT
 I hereby attest and certify this is a printed copy of a document which was electronically filed with the United States Bankruptcy Court for the Southern District of Illinois

Date Filed: 9-4-2014
 Donna N. Beyersdorfer, CLERK OF COURT
 By: Heather Mize Deputy Clerk

ORDER

This matter came before the Court for hearing on May 21, 2003, on an Order to Show Cause directed against Beverly Holmes and Leon Sutton, Sr. Beverly Holmes appeared. Leon Sutton, Sr. appeared. Leonard Komen appeared. D. Phillip Anderson appeared for the United States Trustee. Ron Buch appeared for the Chapter 13 Trustee. Chapter 7 Trustees, Laura Grandy and Steve Mottaz, appeared. William Mueller appeared on behalf of certain former clients of Beverly Holmes and Leon Sutton, Sr.

The Court having heard the statements of the parties and being fully advised in the premises hereby APPROVES the settlement agreement announced in open Court on May 21, 2003 by the U.S. Trustee, Leon Sutton and Beverly Holmes.

Pursuant to that settlement, IT IS HEREBY ORDERED:

1. Leon Sutton, Sr. is permanently barred from the practice of law in the United States Bankruptcy Court for the Southern District of Illinois.

2. Leon Sutton, Sr. is directed to immediately inform all of his clients in this District that he can no longer represent them in any bankruptcy proceeding.

3. Leon Sutton, Sr. is ordered to disgorge any and all attorneys fees, petition preparation fees, filing fees, or any other payments he has received from each and every debtor or person named in the list of cases and individuals set forth in subparagraph 3C.

A. All payments due pursuant to paragraph 3 are to be tendered by Leon Sutton, Sr. within thirty days of the date of this Order in the form of a certified check or money order made payable to the respective debtor(s) or person(s).

B. The certified checks and/or money orders shall be delivered by Leon Sutton, Sr. to the Office of the United States Trustee in Peoria, Illinois for delivery to the respective debtor(s) or person(s).

C. The debtors or individuals to which paragraph 3 applies are the following:

02-34633 FOWLER, KELVIN L.

03-30205 MUHAMMAD, CHANTEL R.

03-30784 BONNER, BARRY

03-30892 TAYLOR, ELOISE

03-30999 SCOTT, JAMES L.
03-31264 WALKINGTON, BRIAN
03-31395 NASH, RHONDA M.
03-31400 ROGERS, SHANAYE LEJUANA
03-31484 BOWIE SR., THEOPHILUS
03-31504 BROWN, SHAREE D
03-31505 WILEY SR., RICKY M.
03-31506 PATTON, PATRICIA LYNN
03-31603 FRANKLIN, CLARA E.
03-31625 LOFTON, ROBERT
SHARON THOMAS - No case filed

4. Beverly Holmes is permanently barred from the preparation of bankruptcy petitions or other bankruptcy related documents for any and all persons, individuals, entities and/or debtors in the Southern District of Illinois. It is the agreement of the parties and the intention of the Court that this bar be construed in the broadest possible fashion. Beverly Holmes may not function as a petition preparer, as a paralegal for an attorney, nor in any other capacity in which she might have anything to do with any bankruptcy case in this District. The bar further extends to any business, incorporated or otherwise, in which Beverly Holmes has any interest in any form, or by which she may be employed. Likewise, it extends to any and all employees of Beverly Holmes and/or such businesses.

5. Beverly Holmes is ordered to disgorge any and all attorneys fees, petition preparation fees, filing fees, or any other payments she has received from each and every debtor or person named in the lists of cases and individuals set forth in subparagraphs 5C and 5D.

A. All payments due pursuant to paragraph 5 are to be tendered by Beverly Holmes in the form of a certified check or money order made payable to the respective debtor(s) or person(s) .

B. The certified checks and/or money orders shall be delivered by Beverly Holmes to the Office of the United States Trustee in Peoria, Illinois for delivery to the respective debtor(s) or person(s).

C. All payments to debtors or individuals in cases before the Court as part of the May 21, 2003 hearing shall be delivered to the Office of the U.S. Trustee within

thirty days of the date of this Order. The debtors or individuals to which this subparagraph applies are the following:

02-34633 FOWLER, KELVIN L.
03-30205 MUHAMMAD, CHANTEL R.
03-30784 BONNER, BARRY
03-30892 TAYLOR, ELOISE
03-30999 SCOTT, JAMES L.
03-31264 WALKINGTON, BRIAN
03-31395 NASH, RHONDA M.
03-31400 ROGERS, SHANAYE LEJUANA
03-31484 BOWIE SR., THEOPHILUS
03-31504 BROWN, SHAREE D
03-31505 WILEY SR., RICKY M.
03-31506 PATTON, PATRICIA LYNN
03-31603 FRANKLIN, CLARA E.
03-31625 LOFTON, ROBERT
SHARON THOMAS - No case filed

D. All payments to Debtors or individuals in cases not before the Court as part of the May 21, 2003 hearing shall be delivered to the Office of the U.S. Trustee within four months of the date of this Order. The debtors or individuals to which this subparagraph applies are the following:

03-30786 JOHNSON, IRIS
03-31598 SMITH-BRYANT, PAMELA
03-31599 MCCLURE, QUINTA D.
03-31605 DAVIS, ALISA J.
03-31684 YATES, MELVIN
03-31694 FISHER, TYRA LATRICE
03-31704 MAYWEATHER, DAVID
03-31707 FRANKLIN, ROBERT
03-31708 HICKS, TANISHA L

03-31709 ARMSTEAD, ANGELA R
03-31710 PATTERSON, PATRICK LESTER
03-31844 WHITE, MELISSA CAROLYN
03-31845 JHONIKA GRIFFIN, MYLA IRIA
03-31876 CURTIS, CLAUDIE MAE
03-31978 GUITON, GERALD
03-31985 ABDELQADER, MAHMUD S.
03-32055 SMITH-KING, ALICE
03-32056 BURRELL, REGINA
03-32057 PLAIR, ORLANDO P.
03-32086 SINTRAIL, LADONNA D.
03-32088 KING, JOYCE L.
03-32089 EILAND JR., JOHNIE L.
03-32126 JOHNSON, IRIS

TONYA L WEBB - No case filed - 1609 E Washington, Urbana, IL 61802

Counsel for the United States Trustee shall serve a copy of this Order by mail to all interested parties who were not served electronically.

ENTERED: May 27, 2003

/s/ Kenneth J. Meyers
UNITED STATES BANKRUPTCY JUDGE/2

Attachment 59

Eighth Circuit opinion affirming the Bankruptcy Court's finding
that Briggs violated Rule 9011

were justified in stopping Wertish's vehicle based on his erratic driving, I agree with the district court which found the actions following the stop constituted a constitutional violation. The evidence shows Krueger forcefully threw Wertish to the ground upon opening his car door, handcuffed him after pinning him down and placing his weight on Wertish's back, and then picked him up and threw him into his own vehicle with sufficient force, ironically, to cause his body to produce insulin and regain awareness of his surroundings. Because Krueger continued to use force against Wertish when the evidence demonstrates he was not resisting arrest, Wertish has shown a constitutional violation.

I agree, however, with the ultimate conclusion here as Krueger's actions were covered under the doctrine of qualified immunity. Once a constitutional violation is established, we need to examine the circumstances objectively to determine if he acted reasonably, taking into account situations in which an "officer . . . correctly perceive[s] all of the relevant facts but [has] a mistaken understanding as to whether [the] particular amount of force is legal in those circumstances." *Saucier v. Katz*, 533 U.S. 194, 205, 121 S.Ct. 2151, 150 L.Ed.2d 272 (2001). In other words, qualified immunity protects officers in situations involving the "hazy border between excessive and acceptable force." *Id.* at 206, 121 S.Ct. 2151 (citation omitted).

This case involves the "hazy border." While Krueger used excessive force against Wertish, he was mistaken as to the true nature of the situation at hand. See *McGruder v. Heagwood*, 197 F.3d 918, 920 (8th Cir.1999) (holding officers acted reasonably in apprehending a suspect by pulling him out of a car when the officers mistakenly believed the subject to be a flight risk). Krueger had no reason to believe Wertish was diabetic until Wertish mentioned his condition after being

slammed into his own vehicle. Up to that point, Krueger could reasonably believe Wertish was an intoxicated driver refusing to cooperate and carrying a knife. Because Wertish was not demonstrating any classic symptoms of a person suffering a diabetic episode, my belief is "no reasonable officer" would have known Krueger's actions violated the Fourth Amendment. *Winters v. Adams*, 254 F.3d 758, 766 (8th Cir.2001). Thus, his actions are protected under the doctrine of qualified immunity.



In re Seena Y. PHILLIPS, Debtor.

Ross H. Briggs, Appellant,

v.

John V. Labarge, Jr., Appellee.

No. 05-1106.

United States Court of Appeals,
Eighth Circuit.

Submitted: Nov. 16, 2005.

Filed: Jan. 9, 2006.

Background: Chapter 13 trustee sought imposition of Rule 9011 sanctions against attorney for filing bankruptcy petition without debtor's consent. The United States Bankruptcy Court for the Eastern District of Missouri, Kathy Ann Surratt-States, J., granted trustee's motion, and attorney appealed. The Eighth Circuit Bankruptcy Appellate Panel (BAP), Kressel, Chief Judge, 317 B.R. 518, affirmed.

Holdings: On further appeal, the Court of Appeals, Beam, Circuit Judge, held that:

(1) second Chapter 13 case that attorney electronically filed on client's behalf

without ever speaking with her to make sure that she wanted to file second petition, and without verifying that facts in second petition remained correct, was filed without “reasonable inquiry” in violation of Bankruptcy Rule 9011; but

- (2) Rule 9011 sanctions imposed on attorney by bankruptcy court were unduly onerous and constituted abuse of discretion.

Affirmed in part and stricken in part.

1. Bankruptcy ¶3782, 3786

On appeal from Bankruptcy Appellate Panel’s (BAP’s) affirmance of bankruptcy court decision, Court of Appeals reviews bankruptcy court’s factual findings for clear error and conclusions of law de novo. Fed.Rules Bankr.Proc.Rule 8013, 11 U.S.C.A.

2. Bankruptcy ¶3784

Bankruptcy court’s decision to impose sanctions is reviewed for abuse of discretion.

3. Bankruptcy ¶2187

Second Chapter 13 case that attorney electronically filed on client’s behalf without ever speaking with her to make sure that she wanted to file second petition, and without verifying that facts in second petition remained correct, based solely on attorney’s knowledge that client was about to lose her home to foreclosure and that she had frequently called law firm to inquire about status of prior, dismissed case, was filed without “reasonable inquiry” in violation of Bankruptcy Rule 9011. Fed. Rules Bankr.Proc.Rule 9011, 11 U.S.C.A.

See publication Words and Phrases for other judicial constructions and definitions.

4. Bankruptcy ¶2187

Attorney needs to know for certain that his client wishes to file for bankruptcy before petition is filed.

5. Bankruptcy ¶2187

Rule 9011 sanctions imposed on attorney by bankruptcy court, in form of order requiring attorney to return money that law firm had collected from debtor-client for prior bankruptcy case filed before attorney began working as full-time attorney for firm and referral of matter to the United States Attorney for possible prosecution, were unduly onerous and constituted abuse of discretion, where attorney’s Rule 9011 violation, in electronically filing second Chapter 13 case on debtor-client’s behalf without ever speaking with her to make sure that she wanted to file second petition, based solely on attorney’s knowledge that client was about to lose home to foreclosure and that she had frequently called law firm to inquire about status of prior, dismissed case, was motivated by good intent, and where attorney, when he became aware of problem, took immediate steps to try and rectify situation. Fed. Rules Bankr.Proc.Rule 9011, 11 U.S.C.A.

6. Bankruptcy ¶2187

Violation of Bankruptcy Rule 9011 does not necessarily require exaction of sanctions. Fed.Rules Bankr.Proc.Rule 9011, 11 U.S.C.A.

Ross H. Briggs, argued, St. Louis, MO. (Attorney representing himself).

Counsel who presented argument on behalf of the appellee was Diana S. Daugherty of St. Louis, MO.

Before ARNOLD, BEAM, and RILEY, Circuit Judges.

BEAM, Circuit Judge.

Attorney Ross Briggs appeals the bankruptcy court’s imposition of sanctions pursuant to Rule 9011 of the Federal Rules of

Bankruptcy Procedure. We affirm the bankruptcy judge's conclusion that Briggs violated Rule 9011, but we find that the court's sanction was an abuse of discretion.

I. BACKGROUND

Debtor Seena Phillips retained Critique Services (Critique), a law firm, to file a Chapter 13 bankruptcy on her behalf. On October 3, 2003, Phillips signed her Chapter 13 voluntary petition and schedules, and Critique filed the bankruptcy petition on October 20, 2003. This case was dismissed on November 5, 2003, because the Critique attorney assigned to the case did not file a plan, attorney disclosure statement and attorney election form as required by the bankruptcy rules. When Phillips' first case was filed on October 20th, Briggs was not legal counsel for Phillips and while he was loosely affiliated¹ with Critique, he was not employed as a full-time attorney for Critique at that time. Briggs was hired as a full-time staff attorney for Critique in November 2003.

Phillips, anxious about impending foreclosure on her home, began contacting Critique in November and early December of 2003 to inquire about the status of her bankruptcy case. Phillips' case was assigned to Briggs in December 2003 based on his physical availability in the office. At this time, Briggs learned that Phillips had retained Critique to file a Chapter 13 bankruptcy, and that a foreclosure sale was pending against her home. Briggs also knew that Phillips had previously met with another attorney at Critique, and that her original signatures were in the file. He also realized that a bankruptcy petition had already been filed and dismissed, and that Phillips was quite upset and calling Critique frequently.

1. Briggs first worked full-time for Critique from August 2001 through December 2002. After December 2002, Briggs began working at a different office, but co-counseled with

Armed with the knowledge that Phillips had met with a Critique attorney, had signed and authorized the filing of a bankruptcy petition, that her home was subject to impending foreclosure, and that she was frequently calling the firm to inquire about the status of her case, Briggs electronically filed a Chapter 13 bankruptcy for Phillips on December 5, 2003, without meeting or speaking with her. However, due to a typographical error in Phillips' prior documents at Critique, Phillips' home address listed on the petition was incorrect. As a result of this, and because Phillips did not know the petition had been filed, she did not receive notice of any hearings for the case and she did not attend any of the bankruptcy proceedings. Accordingly, the case was dismissed for her repeated failure to appear in bankruptcy court.

Briggs later learned that the original signatures were signed prior to the first filing, and that a second set of signatures had not been obtained. Meanwhile, unaware of the second filing, Phillips retained other counsel in December 2003, and this attorney filed yet another Chapter 13 bankruptcy petition on her behalf on December 29, 2003. A creditor filed a motion to dismiss this filing as a "bad faith" case because it was Phillips' third filing. When Briggs became aware of this problem, he contacted Phillips' new attorney, explained the sequence of events, and offered to testify on her behalf at the hearing on the motion to dismiss the third case.

In February 2004, the Trustee filed a motion for sanctions against Briggs, alleging that he had violated Bankruptcy Rule 9011 by filing a bankruptcy petition for Phillips without meeting with her or ob-

Critique attorneys "on occasion." He returned full-time to Critique in November 2003, but only for five or six weeks, departing in mid-December 2003.

taining her signature. After an evidentiary hearing, the bankruptcy court concluded that Phillips did not authorize Briggs to file a bankruptcy case and that there was no original voluntary petition bearing Phillips' signature for the second bankruptcy case. The court found that those acts violated Bankruptcy Rule 9011, and that sanctions were warranted. The court ordered Briggs to return all funds paid by Phillips for the *first* bankruptcy filing,² pay a fine of \$750 into the court and pay the Trustee \$300 for his attorney fees, and referred the matter for possible criminal prosecution and disbarment proceedings. The Bankruptcy Appellate Panel affirmed.

II. DISCUSSION

[1,2] We review the bankruptcy court's factual findings for clear error and conclusions of law de novo. *In re Hixon*, 387 F.3d 695, 700 (8th Cir.2004). A bankruptcy court's decision to impose sanctions is reviewed for an abuse of discretion. *In re Kujawa*, 270 F.3d 578, 581 (8th Cir. 2001).

[3] We agree with the bankruptcy court that Briggs violated Rule 9011 by filing the petition without meeting with Phillips and making certain that he had her authorization for the second bankruptcy petition. Rule 9011 requires every petition to be signed by an attorney of record in the case, and by signing the petition, the attorney certifies that to the best of his or her knowledge, there is a factual and legal basis for the petition. Fed. R. Bankr.P. 9011(b). In other words, the attorney must make a reasonable inquiry into

whether there is a factual and legal basis for a claim before filing. Briggs' reliance on the older signatures in the file, his general knowledge that the debtor seemed to want some action taken and knowledge of the impending home foreclosure did not constitute reasonable inquiry.

[4] Although Briggs apparently had good intentions when he hastily filed the December 5, 2003, bankruptcy petition, those intentions cannot help Briggs escape the reality that he violated Rule 9011. At the very least, Briggs should have had a personal conversation with the debtor before filing a bankruptcy petition on her behalf. Briggs' arguments about whether a debtor's signature is required on the petition and the effect of electronic filing rules miss the point that an attorney needs to know for certain that his client wishes to file for bankruptcy before a petition is filed.³ And the debtor's signature on the original bankruptcy petition does more than simply authorize the petition's filing; it also verifies, under penalty of perjury, that the information in the petition is correct. Without the personal authorization of the client, and especially without her verification that the facts in the petition were correct, Briggs did not make a reasonable inquiry before filing the December bankruptcy petition.

[5,6] However, those same good intentions do save Briggs from the onerous sanctions imposed by the bankruptcy court. The court appears to have sanctioned Briggs for the sins of the entire Critique law firm, rather than for his individual conduct. Requiring Briggs to re-

2. Because of the circumstances of the first case's dismissal, Critique filed the second case for Phillips for no charge.

3. Local bankruptcy rules in the Eastern District of Missouri seem to require an original "wet ink" signature, while Rule 9011 arguably does not. However the tension, if there is any, between these two rules in this case is

resolved by the reasonable inquiry standard. Before filing, Briggs had not met with the client to ascertain her intentions or studied the file closely enough to learn that the signatures in the file were almost two months old. Regardless of signature requirements, these actions do not rise to the level of a reasonable inquiry.

turn money based on the case filed in October, when he was not yet working full-time for Critique, was an abuse of discretion. Referring this case to the counsel for discipline and especially, to the United States Attorney's office for possible prosecution, was even more abusive. When he realized the problem with the signatures and the third bankruptcy filing, Briggs took immediate action to try and rectify the situation. In light of this, we find the totality of the sanction award to be heavy-handed. Accordingly, we strike the sanction award from the bankruptcy court's decision. We note that Briggs' violation of Rule 9011 does not necessarily require the exaction of sanctions. *See* Rule 9011(c) (stating that the court *may* award sanctions if the rule has been violated).

III. CONCLUSION

We affirm the bankruptcy court regarding the Rule 9011 violation, but strike the award of sanctions against Mr. Briggs.⁴



Haregwoin ABRHA, Petitioner,

v.

**Alberto GONZALES¹, Attorney
General of the United States
of America Respondent.**

No. 04–2041.

United States Court of Appeals,
Eighth Circuit.

Submitted: Nov. 17, 2005.

Filed: Jan. 10, 2006.

Background: Alien, a native of Ethiopia, petitioned for review of the decision of the

4. We express no opinion as to whether there might be a basis for imposing sanctions of some nature on Critique arising out of the failure of the first filing.

Board of Immigration Appeals (BIA) which affirmed without opinion decision of Immigration Judge (IJ) which denied application for asylum, withholding of removal, and protection under Convention Against Torture (CAT).

Holdings: The Court of Appeals, Murphy, Circuit Judge, held that:

- (1) alien failed to establish that she had well founded fear of future persecution based on her mixed ethnic marriage if returned to Ethiopia, and
- (2) alien was not entitled to discretionary grant of asylum.

Petition denied.

1. Aliens ⇌54.3(1)

An Immigration Judge (IJ) decision affirmed by the Board of Immigration Appeals (BIA) without opinion is treated as the final agency decision and the Court of Appeals reviews it directly.

2. Aliens ⇌54.3(3, 4)

The Court of Appeals reviews the denial of asylum for an abuse of discretion, and the Immigration Judge's decision will be upheld so long as it supported by reasonable, substantial, and probative evidence.

3. Aliens ⇌54.3(4)

After denial of asylum application, the applicant must show on appeal that the evidence presented was so compelling that no reasonable fact finder could fail to find the requisite fear of persecution.

4. Aliens ⇌53.10(3)

Asylum applicant, who was native of Ethiopia and member of Tigre ethnic group who was married to member of Oro-

1. Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Alberto Gonzales is substituted for his predecessor, John Ashcroft.

Attachment 60

Petition commencing 2004 MOAG Action

IN THE CIRCUIT COURT OF ST. LOUIS CITY
STATE OF MISSOURI

2004 FEB -9 AM 9:15

CASHIER
CLERK HEW

STATE OF MISSOURI ex rel.)
JEREMIAH W. (JAY) NIXON,)
Attorney General,)
)
Plaintiff,)

) Cause No.

vs.)

) Division

CRITIQUE LEGAL SERVICES L.L.C.)
Serve: Registered Agent)
Beverly J. Holmes)
4144 Lindell)
St. Louis, Missouri)

and CRITIQUE SERVICES L.L.C.)
Serve: Registered Agent)
Beverly J. Holmes)
4144 Lindell)
St. Louis, Missouri)

and BEVERLY J. HOLMES)
Serve 4009 Westminster)
St. Louis, Mo.)

and)
RENEE MAYWEATHER)
Serve: 4711 Thrush)
St. Louis, Mo.)

Defendants.)

**PETITION FOR PERMANENT INJUNCTION, PRELIMINARY INJUNCTION,
TEMPORARY RESTRAINING ORDER AND OTHER RELIEF
AGAINST DEFENDANT BEVERLY HOLMES, RENEE MAYWEATHER, CRITIQUE
LEGAL SERVICES L.L.C. AND CRITIQUE SERVICES L.L.C.**

COMES NOW Plaintiff State of Missouri, at the relation of Attorney General Jeremiah
W. (Jay) Nixon, by and through counsel, and for its Petition for Permanent Injunction and Other
Relief states as follows:

PARTIES

1. Jeremiah W. ("Jay") Nixon is the duly elected, qualified and acting Attorney General of the State of Missouri and brings this action in his official capacity pursuant to §§407.020 and 407.100, RSMo 1994.¹

2. Beverly J. Holmes is an individual residing in the City of St. Louis at 4009 Westminster.

3. Critique Legal Services L.L.C. is a Missouri Limited Liability Corporation not in good standing with its principal place of business at 4144 Lindell Suite 100.

4. Renee Mayweather is an individual residing in the City of St. Louis at 4711 Thrush.

5. Critique Services is a Missouri Limited Liability Corporation with its principal place of business at 4711 Lindell.

6. At all times herein mentioned Mayweather and Holmes acted as agents, servants, and employees of the other and at all times acted within the course of and scope of their respective agency.

7. At all times herein mentioned Holmes and Mayweather acted as agents of Critique Legal Services L.L.C. and Critique Services L.L.C. within the course and scope of their agency and Critique Legal Services L.L.C. and Critique Services L.L.C. acted as agents for Beverly Holmes within the course and scope of that agency. In addition, Holmes so dominated, controlled, and manipulated the entities for purposes of illegality and fraud that the entities should be disregarded.

¹All references to statutes are to Missouri Revised Statutes 1994, unless otherwise stated.

JURISDICTION AND VENUE

8. Plaintiff hereby incorporates by this reference the allegations set forth in paragraphs 1, 2, 3, 4, 5, 6 and 7 above, as though fully set forth herein.

9. The Circuit Court of St. Louis County has subject matter jurisdiction of this action pursuant to §§ 407.020 and 407.100 as set forth more fully in paragraphs 8 through 25 below.

10. Venue is appropriate in the Circuit Court of St. Louis City in that the defendants have advertised and/or sold legal services to consumers in St. Louis City.

FACTS

11. Plaintiff hereby incorporates by this reference the allegations set forth in paragraphs 1 through 10 above, as though fully set forth herein.

12. Defendants are engaged in the advertisement, sale and provision of legal services for bankruptcies throughout the City and County of St. Louis. Attached hereto as Exhibit A is a true and correct copy of advertisements handed out to Critique consumers.

13. None of the defendants is authorized to practice law in the State of Missouri or in the United States District Court for the Eastern District of Missouri.

14. Defendants have practiced law in that they have advertised bankruptcies for \$99.00 and have prepared for compensation Petitions For Relief under Chapters 7 and 13 of Title 11, and the accompanying schedules, all without the supervision of a qualified licensed attorney in violation of Local Rule Eastern District of Missouri 83-12.01 and 484.020. Upon information and belief defendants have prepared and filed bankruptcy pleadings and schedules in hundreds of cases in 2002 and 2003.

15. Defendants have a pattern and practice of misrepresenting to consumers that a qualified, licensed attorney will prepare and supervise the preparation of the pleadings and appear in Court when defendants know that no such attorney exists, and make the misrepresentations with knowledge of their falsity or reckless disregard for the truth for the express purpose of inducing consumers to hire defendants.

16. Consumers have suffered harm in that attorneys failed to appear at court hearings and creditor meetings and pleadings and schedules have been either poorly prepared or not prepared at all and the consumers Petitions for relief under Bankruptcy Code have been dismissed. Consumer have been damaged in that on many occasions the wrong relief was sought, for example a Chapter 13 Petition was filed instead of a Chapter 7 for no other reason than the extra attorneys fees generated. In many instances fees were collected and no services of any kind performed, or if performed were delayed many months. Finally defendants failed to communicate in a timely fashion, if at all, significant case developments and would fail to return calls from consumers for weeks, if at all.

MERCHANDISING PRACTICES ACT VIOLATIONS

17. Plaintiff hereby incorporates by this reference all the allegations set forth in paragraphs 1 through 16 above, as though fully set forth herein.

18. Section 407.020 provides, in pertinent part:

The act, use, or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in § 407.453, in or from the State of Missouri, is declared to be an unlawful practice.

Section 407.100 provides:

1. Whenever it appears to the Attorney General that a person has engaged in, is engaging in, or is about to engage in any method, act, use, practice or solicitation, or any combination thereof, declared to be unlawful by this chapter, he may seek and obtain, in an action in a circuit court, an injunction prohibiting such person from continuing such methods, acts, uses, practices, or solicitations, or any combination thereof, or engaging therein, or doing anything in furtherance thereof.
2. In any action under subsection 1 of this section, and pursuant to the provisions of the Missouri Rules of Civil Procedure, the attorney general may seek and obtain temporary restraining orders, preliminary injunctions, temporary receivers, and the sequestering of any funds or accounts if the court finds that funds or property may be hidden or removed from the state or that such orders or injunctions are otherwise necessary.
3. If the court finds that the person has engaged in, is engaging in, or is about to engage in any method, act, use, practice or solicitation, or any combination thereof, declared to be unlawful by this chapter, it may make such orders or judgments as may be necessary to prevent such person from employing or continuing to employ, or to prevent the recurrence of, any prohibited methods, acts, uses, practices or solicitations, or any combination thereof, declared to be unlawful by this chapter.
4. The court in its discretion, may enter an order of restitution, payable to the state, as may be necessary to restore to any person who has suffered any ascertainable loss, including but not limited to, any moneys or property, real or personal, which may have been acquired by means of any method, act, use, practice or solicitation, or any combination thereof, declared to be unlawful by this chapter. It shall be the duty of the attorney general to distribute such funds to those persons injured.
5. The court, in its discretion, may appoint a receiver to insure the conformance to any orders issued under subsection 3 of this section or to insure the payment of any damages ordered under subsection 4 of this section.

6. The court may award to the state a civil penalty of not more than one thousand dollars per violation; except that, if the person who would be liable for such penalty shows, by a preponderance of the evidence, that a violation resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, no civil penalties shall be imposed.

7. Any action under this section may be brought in the county in which the defendant resides, where the violation alleged to have been committed occurred, or where the defendant has his principal place of business.

19. "Advertisement" is defined by § 407.010(1) as "the attempt by publication, dissemination, solicitation, circulation, or any other means to induce, directly or indirectly, any person to enter into any obligation or acquire any title or interest in any merchandise."

20. "Merchandise" is defined by § 407.010(4) as "any objects, wares, goods, commodities, intangibles, real estate or services."

21. "Sale" is defined by § 407.010(6) as "any sale, lease, offer for sale or lease, or attempt to sell or lease merchandise for cash or credit."

22. "Trade or Commerce" is defined by § 407.010(7) as "the advertising, offering for sale, sale, or distribution, or any combination thereof, of any services and any property, tangible or intangible, real personal, or mixed and any other article, commodity, or thing of value wherever situated. The terms 'trade' and 'commerce' include any trade or commerce directly or indirectly affecting the people of this state."

23. 15 CSR § 60-8.020 defines "unfair practice" as follows:

- (1) An unfair practice is any practice which -
 - (A) Either -

1. Offends any public policy as it has been established by the Constitution, statutes or common law of this state, or by the Federal Trade Commission, or its interpretive decisions; or

2. Is unethical, oppressive or unscrupulous; and

(B) Presents a risk of, or causes, substantial injury to consumers.

(2) Proof of deception, fraud or misrepresentation is not required to prove unfair practices as used in § 407.020.1, RSMo.

24. 15 CSR § 60-8.090 defines "Illegal Conduct" as follows:

(1) It is an unfair practice for any person in connection with the advertisement or sale of merchandise to engage in any method, use or practice which --

(A) Violates state or federal law intended to protect the public; and

(B) Presents a risk of, or causes substantial injury to consumers.

25. 15 CSR § 60-9.020 defines "Deception" as follows:

(1) Deception is any method, act, use, practice, advertisement or solicitation that has the tendency or capacity to mislead, deceive or cheat, or that tends to create a false impression.

26. 15 CSR § 60-9.030 defines "Deceptive Format" as follows:

(1) It is deception for any person in an advertisement or sales presentation to use any format which because of its overall appearance has the tendency or capacity to mislead consumers.

COUNT I

27. Plaintiff hereby incorporates by this reference all the allegations set forth in Paragraphs 1 through 26 above, as though fully set forth herein.

28. Defendants, jointly and severally, have violated § 407.020 by engaging in deception and by misrepresenting in print advertisements and orally that attorneys will

represent Critique consumers in the preparation of bankruptcy pleadings, schedules, and court appearances.

COUNT II

29. Plaintiff hereby incorporates by this reference all the allegations set forth in Paragraphs 1 through 28 above, as though fully set forth herein.

30. Defendants have violated § 407.020 by committing the unfair practice, as defined by regulation of practicing law without a license

COUNT III

31. Plaintiff hereby incorporates by this reference all the allegations set forth in Paragraphs 1 through 30 above, as though fully set forth herein.

32. Defendants Magellan and Crystal Care, jointly and severally, have violated § 407.020 by misrepresenting in advertisements that bankruptcy services will be provided for a flat fee of \$99.00.

COUNT IV

33. Plaintiff hereby incorporates by this reference all the allegations set forth in Paragraphs 1 through 32 above, as though fully set forth herein.

34. Defendants, jointly and severally, have violated § 407.020 by employing deception in representing that Critique provides bankruptcy legal services.

PRAYER FOR RELIEF

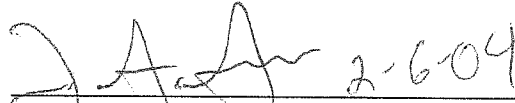
WHEREFORE, based on the foregoing, Plaintiff prays this Court to order the following relief:

1. An Order of this Court finding that Defendants have violated § 407.020 and 15 CSR §§ 60-8.020, .090 by engaging in the acts, methods or practices set forth in paragraphs 27 through 34 above.
2. A Preliminary Injunction, issued pursuant to § 407.100, prohibiting Defendants from engaging in the acts, methods or practices described in paragraphs 27 through 34 inclusive, above.
3. A Permanent Injunction, issued pursuant to § 407.100, prohibiting Defendants from engaging in the acts, methods or practices described in paragraphs 27 through 34, inclusive.
4. An Order of this Court finding Defendants liable to pay restitution to those consumers who have suffered an ascertainable loss as a result of Defendants' unlawful practices.
5. An Order of this Court finding Defendants liable to pay a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each violation of § 407.020.
6. An Order of this court finding Defendants Liable to pay Plaintiff the costs of investigation and prosecution of this action pursuant to § 407.130.
7. An Order of this court requiring Defendants to pay all court costs incurred in this cause of action.

8. Any and all such further relief as this Court deems just and equitable in this cause of action.

Respectfully Submitted,

JEREMIAH W. (JAY) NIXON
Attorney General



L. Steven Goldblatt, #27642
Assistant Attorney General
Laclede Gas Building
720 Olive Street, Suite 2150
St. Louis, MO 63101
PH: (314) 340-6816
FAX: (314) 340-7957

CRITIQUE LEGAL SERVICES
4144 LINDELL, STE. 100
ST. LOUIS MO 63108
314/533-HELP
FAX# 531-9958
BEVERLY HOLMES-OWNER

TAWANA BECKHAM
Your Consultant

ALL INFORMATION MUST BE RECEIVED BY CLOSE OF BUSINESS (5:00P.M.)
ON MON. OCTOBER 4, 02

You may drop this information off at the front desk. Any information received after this date will incur a \$25.00 AMENDMENT FEE.

YOUR SIGN OFF DATE IS: Mon November 4, 02 TIME: 12 PM

On this day you will return to our office to review and sign your petition, and pay the Court Filing of \$200.00 for CHAPTER 7 or \$185.00 for CHAPTER 13.

MONEY ORDER ONLY MADE PAYABLE TO US BANKRUPTCY COURT.

MISSING INFORMATION:

2000 & 2001 GROSS ANNUAL INCOME NOT BUDGET.
AND ADDITIONAL INFO YOU WANT TO ADD

W2-Forms

WHAT IS THE DIFFERENCE BETWEEN A CHAPTER 7 AND A CHAPTER 13 ?

A Chapter 7 Bankruptcy often referred to as "straight bankruptcy" discharges and eliminates debts without any payments to the creditors. A Chapter 7 Bankruptcy stops foreclosures, garnishments and creditor harassment. *You are even able to keep your home and vehicle, if you desire.

****Critique Services**
can give you a fresh start with a Chapter 7 Bankruptcy for only \$99.00

A Chapter 13 Bankruptcy often referred to as "wage earner plan" consolidates your debts and stretch out your monthly payment through the courts over a period of time. The extra expense of a Chapter 13 Bankruptcy makes sense only if you are seriously behind on your home mortgage or vehicle loan and want to keep your home or vehicle.

*YOU MUST CONTINUE PAYMENT IF YOU CHOOSE TO RETAIN YOUR HOME OR VEHICLE
**THERE IS A CHAPTER 7 FILING FEE OF \$200.00 THAT MUST BE PAID BEFORE FILING YOUR CASE.

WHAT DEBTS ARE DISCHARGED IN A CHAPTER 7 BANKRUPTCY

1. Credit Cards
2. Medical, hospital and dental bills
3. Judgments and lawsuits
4. Attorney's fees
5. Signature, payday loans
6. Auto accidents (uninsured motorist)
7. Back rent, utility bills, evictions
8. Repossessions and foreclosures
9. Return checks (civil liability)

WHAT IS NOT DISCHARGED IN A CHAPTER 7 BANKRUPTCY

1. Child Support and alimony
2. Student Loans
3. Taxes less than three years old

ALL CREDITORS MUST BE LISTED IN YOUR BANKRUPTCY PETITIONS.

HOW DOES THIS PROCESS WORK AT CRITIQUE SERVICES

This process is as simple as 1,2,3.

After scheduling an appointment:

1. You will complete an information form and speak with one our Bankruptcy Specialist, who will review the information with you and answer any of your questions.
2. You will then be schedule to attend a mandatory Attorney Representation Conference provided by Critique Legal Services.
3. Your case will be filed with the U.S. Bankruptcy Courts and you will receive a hearing date of which you and the Attorney will attend.

So lets get started...

Thank you for making us the Largest Chapter 7 Bankruptcy Filers in Missouri.

"Established on March 17, 1995."

Beverly Holmes-Pitt
owner

WHAT IS THE DIFFERENCE BETWEEN A CHAPTER 7 AND A CHAPTER 13 ?

A Chapter 7 Bankruptcy often referred to as "straight bankruptcy" discharges and eliminates debts without any payments to the creditors. A Chapter 7 Bankruptcy stops foreclosures, garnishments and creditor harassment. * You are even able to keep your home and vehicle, if you desire.

**Critique Services

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A Chapter 13 Bankruptcy often referred to as "wage earner plan" consolidates your debts and stretch out your monthly payment through the courts over a period of time. The extra expense of a Chapter 13 Bankruptcy makes sense only if you are seriously behind on your home mortgage or vehicle loan and want to keep your home or vehicle.

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Chapter 7 Bankruptcy Filers in Missouri.*

"Established on March 17, 1995."

Beverly Holmes-Dittz

OWNER

CRITIQUE LEGAL SERVICES

4144 Lindell Boulevard, Suite 100

St. Louis, Missouri 63108

(314) 533-4357

(314) 531-9958

WHAT DEBT DO I GET RID OF IN A CHAPTER 7 BANKRUPTCY?

As a general rule, a Chapter 7 will not discharge, or eliminate, the following kinds of debt:

1. Taxes less than three years old;
2. Student loans;
3. Child support, maintenance, and alimony;
4. Personal injury debts caused by driving while intoxicated or taking drugs;
5. Home mortgage, furniture or vehicle loans if you want to keep the home, furniture or vehicle.

As a general rule, a chapter 7 will discharge, or eliminate, the following kinds of debt:

1. Credit card charges;
2. Medical, hospital, dental bills;
3. Attorney's fees;
4. Signature, personal and payday loans;
5. Overdrafts at old bank accounts;
6. Liability for an auto accident;
7. Liability for an auto accident;
8. Overpayments of social security or unemployment compensation;
9. Back rent or liability for property damage;
10. Old utility accounts
11. Civil liability for a bounced check. (Your bankruptcy does not protect you from a prosecutor who is investigating a bounced check)

PLEASE LET US KNOW IF YOU OWE ANY TAXES THAT ARE OVER THREE
YEARS OLD.

CRITIQUE LEGAL SERVICES

4144 Lindell Boulevard, Suite 100

St. Louis, Missouri 63108

(314) 533-4357

(314) 531-9958

WHAT DEBT DO I LIST IN A CHAPTER 7 BANKRUPTCY?

All of it, except perhaps open utility accounts.

You must list debt even if the debt won't be eliminated by your bankruptcy. You must list debt even if you want to pay it. Be sure to list your home mortgage and vehicle loan and keep these payments current (even if you don't receive a bill) if you want to keep your home or vehicle. If you want you may pay debt owed to a relative, favorite doctor or other creditor so long as you list these creditors. However, do not pay on debt owed to a relative until after your case is filed.

The only debt you don't have to list in your bankruptcy paperwork are open utility accounts. If you list utility accounts, the balance owed will be eliminated by your bankruptcy. However, the account will likely be closed and you will have to pay deposit of around \$200 to keep your services on. You decide if listing or paying your utilities is best for you.

If you fail to list all your creditors after your second visit here, you will pay this office an additional \$25 to add your creditor to your case and a filing fee of \$20 to the clerk of the court if your case has been filed.

CRITIQUÉ LEGAL SERVICES

4144 Lindell Boulevard, Suite 100

St. Louis, Missouri 63108

(314) 533-4357

(314) 531-9958

WHAT IS THE DIFFERENCE BETWEEN A CHAPTER 7 AND CHAPTER 13 BANKRUPTCY?

A Chapter 7 bankruptcy, or straight bankruptcy, is usually concluded within three to four months of filing and involves no payment to the Bankruptcy Court other than the filing fee of \$200. You can receive a Chapter 7 discharge only once in a six year period.

A Chapter 13 bankruptcy, or wage earner plan, consolidates your debt and stretches out monthly payments to the Court over three to five years. The extra expense of a Chapter 13 makes sense if your are seriously behind on your home mortgage or vehicle loan and want to keep your home or vehicle. A Chapter 13 gives you years to get caught up on your home or car, a Chapter 7 gives you only a few months.

PLEASE ASK IF YOU HAVE ANY ADDITIONAL QUESTIONS.

IN THE CIRCUIT COURT OF ST. LOUIS CITY
STATE OF MISSOURI

2004 FEB -9 AM 9:15

CLERK JBW

STATE OF MISSOURI ex rel.)
JEREMIAH W. (JAY) NIXON,)
Attorney General,)
)
Plaintiff,)

vs.)

CRITIQUE LEGAL SERVICES L.L.C.)
Serve: Registered Agent)
Beverly J. Holmes)
4144 Lindell)
St. Louis, Missouri)

and)

CRITIQUE SERVICES L.L.C.)
Serve: Registered Agent)
Beverly J. Holmes)
4144 Lindell)
St. Louis, Missouri)

and)

BEVERLY J. HOLMES)
Serve: 4009 Westminster)
St. Louis, Missouri)

and)

RENEE MAYWEATHER)
Serve: 4711 Thrush)
St. Louis, Missouri)

and)

TWILA FLEMING)
Serve: 326 Midridge)
St. Louis, Missouri 63137)

Defendants.)

Cause No.

Division

**APPLICATION FOR TEMPORARY RESTRAINING ORDER OF DEFENDANT
CRITIQUE LEGAL SERVICES L.L.C., CRITIQUE SERVICES L.L.C.,
BEVERLY HOLMES, RENEE MAYWEATHER, AND TWILA FLEMING**

COMES NOW Plaintiff State of Missouri, at the relation of Attorney General Jeremiah W. (Jay) Nixon, by and through counsel, and for its Petition for Permanent Injunction and Other Relief states as follows:

PARTIES

1. Jeremiah W. ("Jay") Nixon is the duly elected, qualified and acting Attorney General of the State of Missouri and brings this action in his official capacity pursuant to §§ 407.020 and 407.100, RSMo 2000.¹
2. Critique Legal Services L.L.C. is a Missouri Limited Liability Corporation not in good standing with its principal place of business at 4144 Lindell Suite 100.
3. Critique Services is a Missouri Limited Liability Corporation with its principal place of business at 4711 Lindell.
4. Beverly J. Holmes is an individual residing in the City of St. Louis at 4009 Westminster.
5. Renee Mayweather is an individual residing in the City of St. Louis at 4711 Thrush.
6. Twila Fleming is an individual residing in the City of St. Louis at 326 Midridge.
7. At all times herein mentioned Mayweather and Holmes acted as agents, servants, and employees of the other and at all times acted within the course of and scope of their respective agency.

¹All references to statutes are to Missouri Revised Statutes 2000, unless otherwise stated.

8. At all times herein mentioned Holmes and Mayweather acted as agents of Critique Legal Services L.L.C. and Critique Services L.L.C. within the course and scope of their agency and Critique Legal Services L.L.C. and Critique Services L.L.C. acted as agents for Beverly Holmes within the course and scope of that agency. In addition, Holmes so dominated, controlled, and manipulated the entities for purposes of illegality and fraud that the entities should be disregarded.

JURISDICTION AND VENUE

9. Plaintiff hereby incorporates by this reference the allegations set forth in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 above, as though fully set forth herein.

10. The Circuit Court of St. Louis City has subject matter jurisdiction of this action pursuant to §§ 407.020 and 407.100 as set forth more fully in paragraphs 8 through 25 below.

11. Venue is appropriate in the Circuit Court of St. Louis City in that the defendants have advertised and/or sold legal services to consumers in St. Louis City.

FACTS

12. Plaintiff hereby incorporates by this reference the allegations set forth in paragraphs 1 through 11 above, as though fully set forth herein.

13. Defendants are engaged in the advertisement, sale and provision of legal services for bankruptcies throughout the City and County of St. Louis.

14. None of the defendants is authorized to practice law in the State of Missouri or in the United States District Court for the Eastern District of Missouri.

15. Defendants have practiced law in that they have advertised bankruptcies for \$99 and have prepared for compensation Petitions For Relief under Chapters 7 and 13 of Title 11,

and the accompanying schedules, all without the supervision of a qualified licensed attorney in violation of Local Rule Eastern District of Missouri 83-12.01 and 484.020. Upon information and belief defendants have prepared and filed bankruptcy pleadings and schedules in hundreds of cases in 2002 and 2003.

16. Defendants have a pattern and practice of misrepresenting to consumers that a qualified, licensed attorney will prepare and supervise the preparation of the pleadings and appear in Court when defendants know that no such attorney exists, and make the misrepresentations with knowledge of their falsity or reckless disregard for the truth for the express purpose of inducing consumers to hire defendants.

17. Consumers have suffered harm in that attorneys failed to appear at court hearings and creditor meetings and pleadings and schedules have been either poorly prepared or not prepared at all and the consumers Petitions for relief under Bankruptcy Code have been dismissed. Consumer have been damaged in that on many occasions the wrong relief was sought, for example a Chapter 13 Petition was filed instead of a Chapter 7 for no other reason than the extra attorneys fees generated. In many instances fees were collected and no services of any kind performed, or if performed were delayed many months. Finally defendants failed to communicate in a timely fashion , if at all significant case developments and would fail to return calls from consumers for weeks, if at, all.

18. The Attorney General has investigated the above described violations of §§ 407.405 and 407.020. Plaintiff now seeks an immediate temporary restraining order to protect the public from these unlawful and fraudulent practices and to preserve the assets which defendants are seeking to dispose.

19. Once a determination has been made that a defendant has engaged in a practice unlawful pursuant to Chapter 407, potential harm to the public is presumed for purposes of injunctive relief under Chapter 407.

20. Sections 407.415 and 407.100 provide this Court with the authority to issue a temporary restraining order and to fashion appropriate remedies to grant relief in this action.

21. Irreparable harm is not a requirement for issuing a TRO pursuant to Chapter 407. Nevertheless, plaintiff will suffer immediate and continuing irreparable harm if a TRO not be issued because defendants have engaged in the unlawful acts and practices set out in this motion and in Plaintiff's Petition for Preliminary and Permanent Injunction. It is believed that defendants have generated hundreds of thousands of dollars in fees from consumers and that these assets, which are the subject of claims for restitution, disgorgement, and civil penalties, may be wasted by defendants and unavailable to satisfy any remedies ordered by the Court.

22. Although not required by Chapter 407, plaintiff has no adequate remedy at law.

RELIEF

Wherefore, plaintiff requests this Court to issue the following orders:

1. A Temporary Restraining Order pursuant to 407.100 and 407.415 prohibiting and enjoining defendants Holmes, Mayweather, Critique Legal Services L.L.C. and Critique Services L.L.C. and their agents, servants, employees, and any other individuals or entities acting at their direction and control who receive actual notice of this Order from:

A. Perpetrating the unlawful and unfair acts and practices enumerated herein, [including, but not limited to bankruptcy filing] and in the petition for preliminary and permanent injunction;

B. Selling, transferring, concealing, disposing, wasting, encumbering, or mortgaging any real property of any defendant without prior written authorization from the court

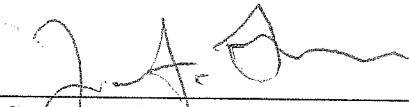
2. An order of this Court requiring all defendants to provided to this court with an accounting of all current assets and debts held by defendants.

3. An Order of this Court finding Defendants have violated the provisions of 407.020 and 407.405.

4. Such other or additional relief as the Court deems just, proper, and necessary in this action.

Respectfully Submitted,

JEREMIAH W. (JAY) NIXON
Attorney General



L. Steven Goldblatt, #27642
Assistant Attorney General
Laclede Gas Building
720 Olive Street, Suite 2150
St. Louis, MO 63101
PH: (314) 340-6816
FAX: (314) 340-7957

IN THE CIRCUIT COURT OF ST. LOUIS CITY
STATE OF MISSOURI

2004 FEB -9 AM 9:15

CLERK *[Signature]*

STATE OF MISSOURI ex rel.)
JEREMIAH W. (JAY) NIXON,)
Attorney General,)
)
Plaintiff,)
) Cause No.
vs.)
) Division
)
CRITIQUE LEGAL SERVICES LLC)
Serve: Registered Agent)
Beverly J. Holmes)
4144 Lindell)
St. Louis, Missouri)
)
and CRITIQUE SERVICES LLC)
Serve: Registered Agent)
Beverly J. Holmes)
4144 Lindell)
St. Louis, Missouri)
)
and BEVERLY J. HOLMES)
Serve: 4009 Westminster)
St. Louis, Mo.)
)
and)
)
RENEE MAYWEATHER)
Serve: 4711 Thrush)
St. Louis, Mo.)
)
Defendants.)

**TEMPORARY RESTRAINING ORDER OF DEFENDANT BEVERLY HOLMES,
RENEE MAYWEATHER, CRITIQUE LEGAL SERVICES LLC, AND CRITIQUE
SERVICES LLC**

NOW on this 10th day of February, 2004, this cause comes to be heard from on Plaintiff's Application for Temporary Restraining Order and Petition for Preliminary and Permanent Injunction.

FINDINGS

The Court having read Plaintiff's Petition, Application for Temporary Restraining Order with Affidavits attached thereto, and Suggestions in Support and being fully advised in the premises finds as follows:

A. Plaintiff has given notice to Defendants Beverly J. Holmes, Critique Legal Services LLC, Critique Services LLC by personal service or faxed letter notice to Homes/Critique at 314- 551-9958 . Also on 2-9- at 9:00 am calls to said defendants were made at 314- 533-help at the Critique office.

B. That Plaintiff, in its Petition and Application for Restraining Order with attached affidavits contends that the defendants Critique Legal Services LLC, Critique Services LLC, Beverly J. Holmes, Renee Mayweather, and Twila Fleming have made misrepresentations and omissions in connection with bankruptcy filings in violation of 407.020 and 484.020 RSMo 2000 and have engaged in the unauthorized practice of law and that plaintiff further alleges that such conduct has caused Missouri consumers to lose money, property, and other economic harm.

C. That Plaintiff in its Petition and Application for Temporary Restraining Order with attached affidavits contends that defendants have profited from their participation in Critique and have client deposits and payments on deposit for bankruptcy filings.

D. That Plaintiff's supporting Affidavits do in fact support Plaintiff's allegation that Defendants

Critique LLC. Critique Legal Service and Holmes made misrepresentations and omissions and engaged in the unauthorized practice of law in connection with bankruptcy filings and that the conduct has caused Missouri consumers to lose money, property, and other economic harm

E. That Plaintiff's supporting affidavits do in fact support that defendants have profited from their participation and employment by Critique and have client deposits and payments on deposit for bankruptcy filings.

ORDERS

1. A Temporary Restraining Order pursuant to 407.100 and 407.415 prohibiting and enjoining defendants Holmes, Critique Legal Services LLC and Critique Services LLC and their agents, servants, employees, and any other individuals or entities acting at their direction and control who receive actual notice of this Order from:

A. Perpetrating the unlawful and unfair acts and practices enumerated herein, and in the petition for preliminary and permanent injunction;

B. Selling, transferring, concealing, disposing, wasting, encumbering, or mortgaging any real property of any defendant without prior written authorization from the court

2. An order of this Court requiring all defendants to provided to this court with an accounting of all current assets and debts held by defendants.

3. An Order of this Court finding Defendants have violated the provisions of 407.020 and 407.405.

4. Such other or additional relief as the Court deems just, proper, and necessary in this action.

SO ORDERED.

Date / Time

Honorable David Dowd
Circuit Judge

IN THE CIRCUIT COURT OF ST. LOUIS CITY
STATE OF MISSOURI

2004 FEB -9 AM 9:15

STATE OF MISSOURI ex rel.
JEREMIAH W. (JAY) NIXON,
Attorney General,

Plaintiff,

vs.

CRITIQUE LEGAL SERVICES L.L.C.

Serve: Registered Agent
Beverly J. Holmes
4144 Lindell
St. Louis, Missouri

and

CRITIQUE SERVICES L.L.C.

Serve: Registered Agent
Beverly J. Holmes
4144 Lindell
St. Louis, Missouri

and

BEVERLY J. HOLMES

Serve: 4009 Westminster
St. Louis, Missouri

and

RENEE MAYWEATHER

Serve: 4711 Thrush
St. Louis, Missouri

and

TWILA FLEMING

Serve: 326 Midridge
St. Louis, Missouri 63137

Defendants.

Cause No.

Division

CLERK

CLERK

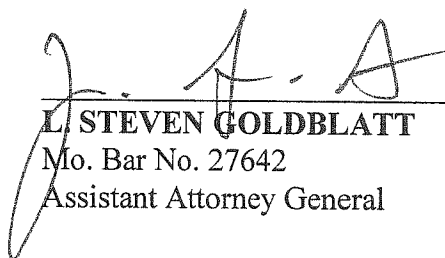
[Signature]

NOTICE OF HEARING—FEBRUARY 10, 2004

Please take notice that on Tuesday, February 10, 2004, at 10:30 a.m., or as soon thereafter as can be heard, in Division 5 of the St. Lois City Circuit Court at Tucker Boulevard bwtween Pine and Chestnut (Judge David Dowd), plaintiff will call for hearing *Application for Temporary Restraining Order*.

Respectfully submitted,

JEREMIAH W. (JAY) NIXON
Attorney General


STEVEN GOLDBLATT
Mo. Bar No. 27642
Assistant Attorney General

Laclede Gas Building
720 Olive Street, Suite 2150
St. Louis, Missouri 63101
Telephone: (314) 340-6816
Facsimile: (314) 340-7957

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was personally served on Beverly J. Holmes on behalf of herself this _____ of February, 2004 to:

Critique Legal Services L.L.C.
% Beverly J. Holmes
4144 Lindell
St. Louis, Missouri

Critique Services L.L.C.
% Beverly J. Holmes
4144 Lindell
St. Louis, Missouri

Beverly J. Holmes
4009 Westminster
St. Louis, Missouri

Renee Mayweather
4711 Thrush
St. Louis, Missouri

Twuila Fleming
326 Midridge
St. Louis, Missouri 63137

IN THE CIRCUIT COURT OF ST. LOUIS CITY
STATE OF MISSOURI

2004 FEB -9 AM 9:13

CLERK *[Signature]*

STATE OF MISSOURI ex rel.)
JEREMIAH W. (JAY) NIXON,)
Attorney General,)

Plaintiff,)

) Cause No.

vs.)

) Division

CRITIQUE LEGAL SERVICES LLC)

Serve: Registered Agent)
Beverly J. Holmes)
4144 Lindell)
St. Louis, Missouri)

and CRITIQUE SERVICES LLC)

Serve: Registered Agent)
Beverly J. Holmes)
4144 Lindell)
St. Louis, Missouri)

and BEVERLY J. HOLMES)

Serve: 4009 Westminster)
St. Louis, Mo.)

and)

RENEE MAYWEATHER)

Serve: 4711 Thrush)
St. Louis, Mo.)

Defendants.)

**TEMPORARY RESTRAINING ORDER OF DEFENDANT BEVERLY HOLMES,
RENEE MAYWEATHER, CRITIQUE LEGAL SERVICES LLC, AND CRITIQUE
SERVICES LLC**

NOW on this 10th day of February, 2004, this cause comes to be heard from on Plaintiff's Application for Temporary Restraining Order and Petition for Preliminary and Permanent Injunction.

FINDINGS

The Court having read Plaintiff's Petition, Application for Temporary Restraining Order with Affidavits attached thereto, and Suggestions in Support and being fully advised in the premises finds as follows:

A. Plaintiff has given notice to Defendants Beverly J. Holmes, Critique Legal Services LLC, Critique Services LLC by personal service or faxed letter notice to Homes/Critique at 314- 551-9958 . Also on 2-9- at 9:00 am calls to said defendants were made at 314- 533-help at the Critique office.

B. That Plaintiff, in its Petition and Application for Restraining Order with attached affidavits contends that the defendants Critique Legal Services LLC, Critique Services LLC, Beverly J. Holmes, Renee Mayweather, and Twila Fleming have made misrepresentations and omissions in connection with bankruptcy filings in violation of 407.020 and 484.020 RSMo 2000 and have engaged in the unauthorized practice of law and that plaintiff further alleges that such conduct has caused Missouri consumers to lose money, property, and other economic harm.

C. That Plaintiff in its Petition and Application for Temporary Restraining Order with attached affidavits contends that defendants have profited from their participation in Critique and have client deposits and payments on deposit for bankruptcy filings.

D. That Plaintiff's supporting Affidavits do in fact support Plaintiff's allegation that Defendants

Critique LLC. Critique Legal Service and Holmes made misrepresentations and omissions and engaged in the unauthorized practice of law in connection with bankruptcy filings and that the conduct has caused Missouri consumers to lose money, property, and other economic harm

E. That Plaintiff's supporting affidavits do in fact support that defendants have profited from their participation and employment by Critique and have client deposits and payments on deposit for bankruptcy filings.

ORDERS

1. A Temporary Restraining Order pursuant to 407.100 and 407.415 prohibiting and enjoining defendants Holmes, Critique Legal Services LLC and Critique Services LLC and their agents, servants, employees, and any other individuals or entities acting at their direction and control who receive actual notice of this Order from:

A. Perpetrating the unlawful and unfair acts and practices enumerated herein, and in the petition for preliminary and permanent injunction;

B. Selling, transferring, concealing, disposing, wasting, encumbering, or mortgaging any real property of any defendant without prior written authorization from the court

2. An order of this Court requiring all defendants to provided to this court with an accounting of all current assets and debts held by defendants.

3. An Order of this Court finding Defendants have violated the provisions of 407.020 and 407.405.

4. Such other or additional relief as the Court deems just, proper, and necessary in this action.

SO ORDERED.

Date / Time

Honorable David Dowd
Circuit Judge

The Court having read Plaintiff's Petition, Application for Temporary Restraining Order with Affidavits attached thereto, and Suggestions in Support and being fully advised in the premises finds as follows:

A. Plaintiff has given notice to Defendants Beverly J. Holmes, Critique Legal Services LLC, Critique Services LLC by personal service on Holmes's husband at 9:30 AM on February 9 at 4009 Westminster; faxed letter notice to Homes/ Critique at 314- 551-9958 confirmed this at 3:00PM;. Also on 2-9- at 3:00PM calls to said defendants were made at 314- 533-help at the Critique office. Finally a complete set of pleadings was served on the Critique offices by Donald Little at 4144 Lindell at 10:00 AM on February 9, 2004. Based upon the foregoing affidavits, the Court specifically finds the notice provisions of Supreme Court Rule 92.02 (a) were complied with.

B. That Plaintiff, in its Petition and Application for Restraining Order with attached affidavits contends that the defendants Critique Legal Services LLC, Critique Services LLC, Beverly J. Holmes, and employees named in the Petition have made misrepresentations and omissions in connection with bankruptcy filings in violation of 407.020 and 484.020 RSMo 2000 and have engaged in the unauthorized practice of law and that plaintiff further alleges that such conduct has caused Missouri consumers to lose money, property, and other economic harm.

C. That Plaintiff in its Petition and Application for Temporary Restraining Order with attached affidavits contends that defendants have profited from their participation in Critique and have client deposits and payments on deposit for bankruptcy filings.

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1. A Temporary Restraining Order pursuant to 407.100 and 407.415 prohibiting and enjoining defendants Holmes, Critique Legal Services LLC and Critique Services LLC and their agents, servants, employees, and any other individuals or entities acting at their direction and control who receive actual notice of this Order from:

A. Filing bankruptcy petitions in the United State District Court from the time of this order until further order of court within 15 days;

B. Advertising bankruptcies for \$99 on radio or in print ,or otherwise from the time of this order until further order of court within 15 days.

C. Order Holmes to notify or cause to notify Critique clients in writing who is their attorney is by name, state bar number, address and phone.

D. For those clients of Holmes and Critique who do not have attorneys, under paragraph(C) of this Order Holmes to notify or cause to notify them in writing the clients need counsel immediately and where to pick up their files

2. This Courts finds and orders Defendants have violated the provisions of 407.020 and 407.405 at this time subject to further order of Court

3. Such other or additional relief as the Court deems just, proper, and necessary .

4. The Court sets the hearing on preliminary and permanent injunction for February____
2004 _____ in this courtroom.

SO ORDERED.

Date / Time

Honorable David Dowd
Circuit Judge