

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

In re:

LYDIA CLADEK, INC.,

Case No. 3:10-bk-02805-PMG

Debtor.

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**ORDER GRANTING EMERGENCY MOTION TO  
APPOINT CHAPTER 11 TRUSTEE**

This case came before the Court upon the Emergency Motion to Appoint Chapter 11 Trustee (the "Motion"), pursuant to 11 U.S.C. § 1104(a) and Rule 2007.1, filed by Robert Mengarelli, Mike Castelaz, John & Cecelia Castelaz, Robin Ponte, Donald N. Radbill, Jean Clancy, Charlotte E. Sears, Betty Ponce, Yanet Panteleon, John & Katherine Bristow, Gary and Judy Alligood, Malcolm Alligood, Jill Rand, Caroline S. Fortner, David A. Hall, M. Bruce Hall, Claudia Hundsdorfer-Abae, Curb Systems of North Florida, Inc., Michael Egelman, Andrea Holly Levinson, Ruth Howlett, Benneett and Noel Yell, Janet Lydecker, and Don and Katherine Yontz, as creditors and parties-in-interest in the Chapter 11 case of Lydia Cladek, Inc. (the "Debtor"). Based upon arguments of counsel and the representations of the parties, the evidence presented in support of the Motion, and there appearing sufficient cause, it is

ORDERED:

1. The Motion is granted.
2. The United States Trustee is directed to appoint a Chapter 11 trustee in this case in accordance with the provisions of 11 U.S.C. § 1104(d).
3. The Chapter 11 trustee to be appointed shall have the duties set forth in 11 U.S.C. § 1106(a).

4. Upon appointment, the Chapter 11 trustee:

(i) will be the representative of the bankruptcy estate in accordance with and pursuant to 11 U.S.C. § 323;

(ii) shall have all power and authority provided under 11 U.S.C. §§ 101, et seq. (the "Bankruptcy Code");

(iii) shall take immediate possession, custody, and control of all operations of the Debtor, including, but not limited to, the premises located at 108 Seagrove Main Street, St. Augustine, Florida, and all property of the Debtor, wherever located, including, but not limited to, all cash, receivables, negotiable instruments, books, records, and accounts of the Debtor;

(iv) shall investigate and evaluate whether the continued operations of the Debtor are in the best interest of the creditors of the bankruptcy estate;

(v) shall take any and all appropriate measures to ensure that property of the Debtor and this bankruptcy estate are properly managed and protected for the benefit of creditors of the bankruptcy estate;

(vi) shall investigate allegations of fraud, dishonesty, incompetence, misconduct, and mismanagement of the affairs of the Debtor, the Debtor's principals, insiders, agents, and employees; and

(vii) shall take any and all appropriate measures to maximize recovery for creditors of the Debtor, including, but not limited to, investigating and initiating avoidance actions in accordance with the applicable provisions of the Bankruptcy Code.

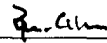
4. The Debtor and all persons in possession, custody, or control of any property of this bankruptcy estate are directed to provide full and complete cooperation with the Chapter 11

trustee and to immediately turnover all property of the bankruptcy estate to the Chapter 11 trustee.

5. Compensation of the Chapter 11 trustee shall be allowed by separate order pursuant to 11 U.S.C. § 326. No compensation shall be paid to the Chapter 11 trustee in this case from any source whatsoever without prior order of the Court.

6. The Chapter 11 trustee shall seek approval from the Court for employment of professionals in accordance with 11 U.S.C. § 327.

DATED at Jacksonville, Florida, this 12th day of April, 2010.

  
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Paul M. Glenn  
Chief United States Bankruptcy Judge

Copies furnished to:

Lydia Cladek, Inc.  
Lawrence Lilly, Esq.  
Jacob A. Brown, Esq.  
United States Trustee