

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED 7/5/92
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CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

SOLARMAX, INC.

V.

JAMES P. KOCH, ET AL.

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*
*

90-4-0 97

CIVIL NO. K-91-1483

BY

90-237

CA-#7

MEMORANDUM AND ORDER

For the reasons stated on the record during the proceeding on January 9, 1992, this Court hereby affirms the judgment of the Bankruptcy Court entered April 26, 1991, except as follows:

(1) The judgment of the Bankruptcy Court requiring Solarmax to make payment to the Trustee of \$32,500 is hereby changed and increased to a judgment of \$59,000; and

(2) The within case is hereby remanded to the Bankruptcy Court for the sole purpose of determining the issue of whether or not Mr. Hricak improperly appropriated the right and/or the opportunity of Thermoco to participate in obtaining the Kansas City unfinished film; if so, whether the \$75,000 payment made by Solarmax to Mr. Hricak should have been made to Thermoco and/or the Trustee; and also, if so, whether, if Mr. Hricak is not able to make payment of the entire \$75,000 sum to the Trustee, Solarmax has any liability in connection with same. On remand the Bankruptcy Court shall make its own determinations as to whether or not any amendment of the pleadings is required and/or should be permitted; whether or not any further submission of documents

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and/or memoranda should take place and/or whether or not any additional evidence should or should not be taken.

Copies of this Memorandum and Order are being sent to counsel of record.

The Clerk is directed to include this memorandum in the court file when it is returned to the Bankruptcy Court in accordance with the aforementioned remand.

It is so ORDERED this 13th day of February, 1992.

Joy A Kaufman
Senior United States District Judge

Received by Clerk of Court on 5/6/92
This document is the property of the Court and is to be kept in my legal custody.
By Court Clerk Clerk