

SO ORDERED



David E. Rice

DAVID E. RICE
U.S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
(Baltimore Division)**

In re

Dennis A. Lewis,

Debtor

Bankruptcy Case No.:

12-22910-DER

Chapter 13

**STIPULATION AND CONSENT ORDER
ENJOINING BANKRUPTCY
PETITION PREPARER**

WHEREAS, on September 7, 2012, this Court issued an Order That Bankruptcy Petition Preparer Appear and Show Cause Why Sanctions Should Not Be Imposed in this case;

WHEREAS, this Court also issued Show Cause Orders to the bankruptcy petition preparer in the cases of Patrick D. Diegel, case no. 12-23605 and Alisa M. Dauer, case no. 12-22803

WHEREAS, a hearing having been conducted on September 19, 2012, Michael Graff and the United States Trustee having appeared;

WHEREAS, Michael Graff ("Mr. Graff") acted as the Bankruptcy Petition Preparer in each of the Dauer, Diegel and Lewis cases;

WHEREAS, it is the United States Trustee's position that Mr. Graff's actions as Bankruptcy Petition Preparer in each of the Dauer, Diegel and Lewis cases constitute sanctionable actions;

WHEREAS, Mr. Graff denies that his actions in the Dauer, Diegel and Lewis cases constitute actionable actions;

WHEREAS, Mr. Graff voluntarily refunded to the debtor, Alisa A Dauer, the \$500 fee charged, and the United States Trustee has received a certificate from Mr. Graff that the refund was made and has received a copy of the check used to make the refund;

WHEREAS, the Trustee and Mr. Graff, in order to avoid further litigation over these matters have agreed and consented to the entry of this Stipulation and Consent Order;

NOW, THEREFORE, upon consideration of the recitals of fact set forth above and at the hearing conducted on September 19, 2012 it is hereby, by the United States Bankruptcy Court for the District of Maryland;

ORDERED, that Mr. Graff be, and hereby is, enjoined from acting as a bankruptcy petition preparer, as defined in 11 U.S.C. § 110, and from accepting any compensation for acting as a bankruptcy petition preparer, as defined in 11 U.S.C. § 110, in connection with a case under Title 11 of the United States Code; and it is further

ORDERED, that Mr. Graff shall not use or direct any agent, representative, entity, corporation, partnership, association or structure of any kind or any name, fictitious or otherwise, to act as a bankruptcy petition preparer, as defined in 11 U.S.C. §110; and it is further

ORDERED, that Mr. Graff shall not assist any person or entity in drafting or preparing any petition, schedule, motion, pleading or other document to be submitted to any United States Bankruptcy Court on a Debtor's behalf, or under a Debtor's signature. For purposes of this paragraph, the term "assist" includes, in addition to any other action that would constitute assistance under the ordinary usage of the term: (i) the gathering of information for the purpose of drafting or preparing any petition, schedule, motion, pleading or document to be filed in any United States Bankruptcy Court; (ii) the provision to a Debtor of a completed petition, schedule, motion, pleading or document for the purpose filing the petition, schedule motion, pleading or document in any United States Bankruptcy Court; and/or (iii) the provision to any person of a form petition, schedule, motion, pleading of document, obtained via the internet, form book, data bank, or other similar source; and it is further

ORDERED, that, nothing in this Order shall be deemed or interpreted to prohibit, limit or otherwise abridge Mr. Graff's rights to proceed pro se in any bankruptcy proceeding; and it is further

ORDERED, that in addition to any sanction or remedy generally applicable to the violation of an injunction, if Mr. Graff is determined by a court of appropriate jurisdiction to have violated any term of this Order, then, Mr. Graff consents to entry of a judgment imposing a fine in the amount of \$2,000 for each and every infraction of this Order.

The fine provided in this Paragraph:

- (i) shall be payable to the United States Trustee;

(ii) shall be in addition to any other fines, damages, sanctions or remedies otherwise imposed or for which Mr. Graff is found liable; and

(iii) shall not reduce any damages, fines or other amounts that Mr. Graff is ordered to pay or for which Mr. Graff is found liable.

SEEN, REVIEWED AND CONSENTED TO:

/s/ Gerald R. Walsh
Gerald R. Walsh, Esquire
Quadrangle Bldg. At Cross Keys
2 Hamill Road, Suite 362
Baltimore, Maryland, 21210
(410)261-6100

Counsel to Michael Graff

/s/ Katherine A. Levin
Katherine A. Levin, Esquire
Office of the United States Trustee
United States Department of Justice
101 West Lombard Street, Suite 2625
Baltimore, Maryland 21201
(410) 962-4300
Attorney for the United States Trustee

I HEREBY CERTIFY that the terms of this copy of the consent order submitted to the Court are identical to those set forth in the original consent order; and that signatures represented by the /s/_____ on this copy reference the signatures of consenting parties on the original consent order.

/s/ Katherine A. Levin
Katherine A. Levin
Attorney for the United States Trustee

{End of Order}