

**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

Alisa M. Dauer,

Debtor

Bankruptcy Case No.:

12-22803-DER

Chapter 13

**STIPULATION AND CONSENT ORDER PROVIDING FOR  
REFUND TO DEBTOR AND ENJOINING BANKRUPTCY  
PETITION PREPARER**

**WHEREAS**, on September 12, 2012, this Court issued an Order That Bankruptcy Petition Preparer Appear and Show Cause Why Fees Should Not Be Refunded in this case;

**WHEREAS**, this Court also issued Orders That Bankruptcy Petition Preparer Appear and Show Cause Why Sanctions Should Not Be Imposed issued in the cases of Patrick D. Diegel, case no. 12-23605 and Dennis A. Lewis, case no. 12-22910

**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}**