

Entered: July 17, 2014

Signed: July 17, 2014

SO ORDERED



Robert A. Gordon
ROBERT A. GORDON
U. S. BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND

(Baltimore Division)

In re

Andrea M. Davis,

Debtor

Judy A. Robbins
United States Trustee
for Region Four

Plaintiff

v.

Arlita L. LeSesne
a/k/a Arlita Albritton
a/k/a Arlita Boston

James J. LeSesne

and

Nas'cence Paralegal Service, LLC

Defendants

Bankruptcy Case No.:

13-11853- RAG

Chapter 7

Adversary Proceeding No:

13-00169

STIPULATION AND CONSENT ORDER IMPOSING INJUNCTION

WHEREAS, on March 21, 2013, the United States Trustee filed a Complaint against Arlita L. LeSesne, James J. LeSesne and Nas'cence Paralegal Service, LLC seeking, among other relief, that James J. LeSesne and Arlita L. LeSesne be prohibited from: acting as bankruptcy petition preparers; accepting fees for acting as bankruptcy petition preparers; and, from otherwise participating in any form or fashion in the rendering of legal advice, consultation, consideration and/or preparation of any petition or document which is contemplated to be filed as or in a case under Title 11 of the United States Code;

WHEREAS, on December 17, 2013, the United States Trustee filed a motion for summary judgment which motion was granted at a hearing held on January 8, 2014;

WHEREAS, a continued evidentiary hearing on the issue of Plaintiff's request for an injunction was held on March 10, 2014 and attended by the Defendants' through counsel at which hearing Plaintiff presented evidence in support of her request for an injunction;

WHEREAS, thereafter on March, 13, 2014 Plaintiff filed a Motion for Preliminary Injunction which was granted by the Court by oral ruling on June 9, 2014;

WHEREAS, Arlita L. LeSesne through her business Nas'cence Paralegal Service, LLC and with the assistance of James J. LeSesne prepared the bankruptcy petition, schedules, statement of financial affairs and means test form (the "Bankruptcy Documents") filed in the above noted case for Ms. Davis;

WHEREAS Ms. Davis paid \$345.00 to Ms. LeSesne and/or Nas'cence Paralegal Service, LLC for the preparation of the Bankruptcy Documents;

WHEREAS, Ms. LeSesne signed and caused to be filed on the docket of this case a Disclosure of Compensation of Bankruptcy Petition Preparer wherein Ms. LeSesne, as CEO of Nas'cence Paralegal Service, LLC indicated receipt of a fee of only \$175.00;

WHEREAS, no officer, principal, responsible person, or partner of Nas'cence Paralegal Service, LLC placed his or her social security number on and of the Bankruptcy Documents;

WHEREAS, Ms. LeSesne through her business Nas'cence Paralegal Service, LLC and with the assistance of James J. LeSesne acted as a bankruptcy petition preparer and routinely and systemically violated a number of the provisions of 11 U.S.C. § 110;

WHEREAS, in 2013 Ms. LeSesne through her business Nas'cence Paralegal Service, LLC and with the assistance of James J. LeSesne was a compensated bankruptcy petition preparer in at least one hundred and twenty three bankruptcy cases filed in the Northern District of Maryland;

WHEREAS, in December, 2011, Ms. LeSesne agreed that she would not "draft or prepare and/or file any motions in connection with bankruptcy cases on behalf of any third party unless and until I become an attorney licensed to file such motions;"

WHEREAS, despite that agreement, Ms. LeSesne and Nas'cence Paralegal Service, LLC have continued to draft, and cause to be filed, motions in connection with bankruptcy cases on behalf of third parties;

WHEREAS, Ms. LeSesne and Nas'cence Paralegal Service, LLC have been

ordered to pay penalties to the United States Trustee of \$18,205.00 in bankruptcy case number 12-00265 filed in the Middle District of Florida;

WHEREAS, Ms. LeSesne and Nas'cence Paralegal Service, LLC have failed to pay any penalties to the United States Trustee;

WHEREAS Arlita L. LeSesne, James J. LeSesne, Nas'cence Paralegal Service, LLC and the United States Trustee desire to resolve the Complaint and subsequent litigation by the terms of this Stipulation and Consent order,

Accordingly, it is therefore, by the United States Bankruptcy Court for the District of Maryland, ORDERED:

A. Pursuant to 11 U.S.C. § 110(j)(2)(B), Arlita L. LeSesne and Nas'cence Paralegal Service, LLC are permanently enjoined from acting in any jurisdiction of the United States as a bankruptcy petition preparer, as defined in 11 U.S.C. §110;

B. For clarity sake, the Injunction imposed by this Order prohibits Arlita L. LeSesne and Nas'cence Paralegal Service, LLC from, inter alia, engaging in any of the following activity:

- 1) Acting as a bankruptcy petition preparer as defined in 11 U.S.C. § 110;
- 2) Using or directing 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;
- 3) Accepting any fees, in any jurisdiction of the United States, for acting as a Bankruptcy Petition Preparer; and
- 4) Assisting any person or entity in drafting or preparing any petition, schedule, motion, pleading or other document to be submitted to any 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 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 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;

- 5) Otherwise participating in any form or fashion in any jurisdiction of the United States in the rendering of legal advice, consultation, consideration and/or preparation of any petition or document which is contemplated to be filed as or in a case under Title 11 of the United States Code; and it is further

ORDERED, that James J. LeSesne is permanently enjoined from taking any actions to assist Arlita L. LeSesne and Nas'cence Paralegal Service, LLC in any bankruptcy preparation services specifically including meeting with clients and potential clients, receiving payments and delivering papers to the Bankruptcy Court; and it is further

ORDERED, that should Ms. LeSesne, Mr. LeSesne or Nas'cence Paralegal Service, LLC violate the terms of the injunction entered herein, they shall jointly and severally be sanctioned two thousand five hundred dollars (\$2,500) for each violation of the injunction created by this Order.

The fines provided for by this paragraph:

- i) shall be payable to the United States Trustee;
- ii) shall be in addition to, and not in lieu of, any civil or criminal sanctions or other damages for which the violator may be liable pursuant to the terms of 11 U.S.C. §110 or any other applicable law; and
- iii) shall not reduce any civil or criminal sanctions or other

damages for which the violator may be liable pursuant to the terms of 11 U.S.C. §110 or any other applicable law.

SEEN AND CONSENTED TO:

SEEN AND CONSENTED TO:

/s/ Edward Smith, Jr.
Edward Smith, Jr., Esquire
2225 St. Paul Street
Baltimore, MD 21218
(410) 366-0494

Attorney for Arlita L. LeSesne,
James J. LeSesne and
Nas'cence Paralegal Service, LLC

/s/ Katherine A. Levin
Katherine A. Levin, 10916
Trial Attorney
101 W. Lombard Street, Suite 2625
Baltimore, Maryland 21201
(410) 962-4300

Attorney for Judy A. Robbins
United States Trustee, Region 4

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

cc: Katherine A. Levin
Edward Smith, Jr.
Arlita L. LeSesne
James J. LeSesne
Nas'cence Paralegal, LLC
Andrea M. Davis

{End of Order}