

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLANDIN RE: Cumberland Investment Corp.  
DebtorBk No. 89-11051  
Chapter 7MOTION TO STRIKE

Now comes the Chapter 7 Trustee in the above captioned matter and moves to strike Harold Chorney's Motion to Clarify the Class Action Award from the Lawsuit Against Christies and Sotheby's and Require Chapter 7 Trustee Provide a Complete and Detailed Accounting of the Estate Assets.

This Court in its Order of July 3, 1991 (Exhibit A) found in part that "Chorney has deliberately and continuously acted in bad faith to obstruct and to hinder the efficient administration of the estate, which action has been very damaging, expense-wise, to the estate and its creditors". This Court went on to order, "That, henceforth, Chorney and Aubin will no longer be permitted to intervene or otherwise participate in proceedings relating to sales or other disposition of the estate assets..."

This Court went on to say in its Order of July 2, 1992, (Exhibit B) that "Chorney has, inter alias, filed frivolous pleadings, willfully interfered with and obstructed the administration of the case, and generally and in bad faith abused the bankruptcy process, causing the estate and its creditors significant economic harm." The Court described Chorney's conduct further by stating "...many frivolous pleadings were filed and extensively litigated, with the intent and effect of impeding the administration of an estate already left in shambles by Chorney..."

Without reviewing the entire history of the case, the record reveals no fewer than eight (8) other filings by either Warren Taft or Harold Chorney raising essentially the same issues which Mr. Chorney seeks to raise in his most recently filed Motion to Clarify the Class Action Award from the Lawsuit Against Christies and Sotheby's and Require Chapter 7 Trustee Provide a Complete and Detailed Accounting of the Estate Assets.

Attached as Exhibits C, D, E, F, G, H and I are the pleadings filed by either Mr. Taft or Mr. Chorney captioned:

**Exhibit C** – Petitioner's Request for Clarification and Accounting of Estate Property Sold on December 7, 1999 by Spink America (Taft)

**IN RE: Cumberland Investment Corp.**  
**Bk No. 89-11051-Motion to Strike 3/18/04**

**Exhibit D** – Petitioner’s Request to Have Chapter 7 Trustee Provide an Accountability of Assets of the Estate and to Produce Requested Documents and Videotapes (Chorney)

**Exhibit E** – Petitioner’s Motion to Compel Production of Requested Documents from Chapter 7 Trustee (Taft)

**Exhibit F** – Petitioner’s Motion in Objection to Chapter 7 Trustee’s Motion to Strike Motion to Compel Production of Requested Documents from Chapter 7 Trustee (Taft)

**Exhibit G** – Motion in Objection to Trustee’s Motion to Strike (Chorney)

**Exhibit H** – Motion in Objection to Abandoning Assets without Accountability of Assets by the Chapter 7 Trustee, Jason D. Monzack (Chorney)

**Exhibit I** – Motion in Objection to Trustee’s Motion to Strike (Chorney)

**Exhibit J** – Motion to Recuse Judge Votolato with Memorandum in Support of Motion to Recuse Judge Votolato(Chorney)

This Court’s Order of February 9, 2001 (Exhibit K) ordered that Warren Taft had no standing to bring such motions. Chorney’s Petitioner’s Request to Have Chapter 7 Trustee Provide Accountability of Assets of the Estate and to Produce Requested Documents and Videotapes (Exhibit D) was opposed by the Chapter 7 Trustee’s Motion to Strike (Exhibit L). This Court’s Order of September 8, 2000 (Exhibit M) denied Chorney’s Motion to Recuse Judge Votolato, denied Chorney’s Request to Provide Accountability and Produce Documents and denied the Trustee’s Motion to Strike. This Court’s Order of March 14, 2003 (Exhibit N) granted Trustee and Republic Credit Corporation Joint Motion for Approval of Distribution of the Proceeds of the Sale of Secured Creditor’s Collateral and To Abandon Certain Assets to Secured Credit, denied Chorney’s Motion in Objection to Abandoning Assets Without an Accountability of Assets by the Chapter 7 Trustee, Jason D. Monzack (“Motion in Objection”) and granted the Trustee’s Motion to Strike Chorney’s Motion in Objection among other things. Chorney appealed from this Court’s March 14, 2002 Order. This appeal was not finally resolved until the United States Supreme Court denied Chorney’s Petition for Writ of Certiorari on November 17, 2003.

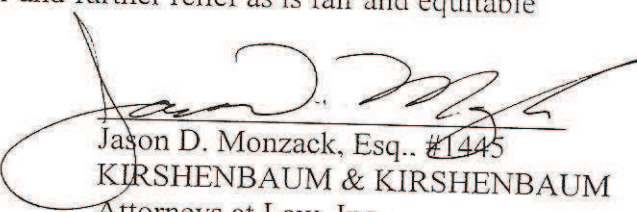
**IN RE: Cumberland Investment Corp.  
Bk No. 89-11051**

Mr. Chorney has been raising essentially the identical issues for many years. He keeps filing pleadings that ask for the same relief even though the same requests have been denied on numerous occasions by this Court, the U.S. District Court, and the United States Court of Appeals for the First Circuit and the U.S. Supreme Court.

Mr. Chorney's pleading is in direct violation of this Court's Order of July 3, 1991 seeks to raise issues long ago disposed of by this Court and various Appellate Courts and is an abuse of the process of this Court.

**WHEREFORE**, the Chapter 7 Trustee moves that this Court enter its order:

1. Striking Harold Chorney's Motion to Clarify the Class Action Award from the Lawsuit Against Christies and Sotheby's and Require Chapter 7 Trustee Provide a Complete and Detailed Accounting of the Estate Assets; and
2. Fashioning a remedy to prevent Mr. Chorney from continuing to abuse the process of this Court; and
3. Ordering such other and further relief as is fair and equitable

  
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**WITHIN TEN (10) DAYS AFTER SERVICE AS EVIDENCED BY THE CERTIFICATION (TWENTY (20) DAYS FOR US GOVERNMENT OFFICERS AND AGENCIES THEREOF), AND AN ADDITIONAL THREE (3) DAYS PURSUANT TO FED. R. BANK P. 9006(f) IF YOU WERE SERVED BY MAIL, ANY PARTY AGAINST WHOM THIS PAPER HAS BEEN SERVED, OR ANY OTHER PARTY TO THE ACTION WHO OBJECTS TO THE RELIEF SOUGHT HEREIN SHALL SERVE AND FILE AN OBJECTION OR OTHER APPROPRIATE RESPONSE TO THIS PAPER WITH THE BANKRUPTCY COURT CLERK'S OFFICE, 380 WESTMINSTER MALL, 6<sup>TH</sup> FLOOR, PROVIDENCE, RI 02903, (401) 528-4477. IF NO OBJECTION OR OTHER RESPONSE IS TIMELY FILED WITHIN THE TIME PRESCRIBED HEREIN, THE PAPER WILL BE DEEMED UNOPPOSED AND WILL BE GRANTED UNLESS: (1) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (2) THE REQUESTED**

**IN RE: Cumberland Investment Corp.  
Bk No. 89-11051**

**RELIEF IS AGAINST PUBLIC POLICY; OR (3) IN THE OPINION OF THE COURT,  
THE INTEREST OF JUSTICE REQUIRES OTHERWISE.**

**CERTIFICATION**

I, hereby certify that on March 18, 2004, I served a true and accurate copy of the Motion to Strike by first class mail, postage prepaid, upon the following interested parties:

Harold Chorney  
5 Cathedral Square, Apt. 106  
Providence, RI 02903

U. S. Trustee's Office  
Room 910  
10 Dorrance Street  
Providence, RI 02903

  
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