

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**Peter Kennedy,
Debtor.**

**Chapter 13 Case
11-10109**

**Peter Kennedy,
Plaintiff,
v.**

**Graybar Electric Company, Inc.,
Defendant.**



**Adversary Proceeding
11-01010**

Appearances:

*Rebecca A. Rice, Esq.
Rutland, Vermont
For the Plaintiff*

*Ross A. Feldmann, Esq.
Burlington, Vermont
For the Defendant*

ORDER

**DENYING DEFENDANT'S MOTION FOR JUDGMENT ON THE PLEADINGS
AND SUA SPONTE GRANTING JUDGMENT IN FAVOR OF PLAINTIFF**

For the reasons set forth in the memorandum of decision of even date, THE COURT FINDS that there are no material facts in dispute, judgment on the pleadings is proper, and the Plaintiff is entitled to judgment as a matter of law.

Accordingly, IT IS HEREBY ORDERED that:

1. the Defendant's motion for judgment on the pleadings is denied;
2. judgment is sua sponte granted in favor of the Plaintiff; and
3. the Plaintiff's request for attorney's fee is denied.

SO ORDERED.

July 29, 2011
Burlington, Vermont

Colleen A. Brown
United States Bankruptcy Judge