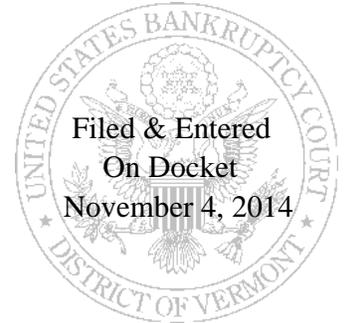


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*For Publication*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**



**In re:**

**A. Paul Gutierrez,  
Debtor.**

**Chapter 7 Case  
# 13-10775**

*Appearances: Heather Z. Cooper, Esq.  
Kenlan Schwiebert Facey & Goss, P.C.  
Rutland, VT  
For the Debtor*

*Elizabeth Marie Demas, Esq.  
Clarke Demas & Baker, PLLC  
Burlington, VT  
For the Creditor*

**ORDER**  
**GRANTING DEBTOR'S MOTION FOR SUMMARY JUDGMENT**  
**AND DENYING CREDITOR'S MOTION TO DISMISS CHAPTER 7 CASE**

For the reasons set forth in the memorandum of decision of even date, THE COURT FINDS that there are no material facts in dispute and therefore summary judgment is proper. THE COURT FURTHER FINDS that venue of this case in Vermont is proper, there is not cause to dismiss this case under 11 U.S.C. § 707(a) for bad faith, and, because A. Paul Gutierrez's debts are primarily business debts, 11 U.S.C. § 707(b) does not apply in this case.

Accordingly, IT IS HEREBY ORDERED that A. Paul Gutierrez's motion for summary judgment is granted, and the motion to dismiss this case filed by Catamount Holding Co., II is denied.

SO ORDERED.

November 4, 2014  
Burlington, Vermont

  
Colleen A. Brown  
United States Bankruptcy Judge