

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

Michael F. Montagne,
Debtor.

Chapter 12 Case
08-10916

Ag Venture Financial
Services, Inc.,

Plaintiff,

v.

Michael F. Montagne, John Montagne,
Diane Montagne, Montagne Heifers, Inc.,
Patenaude Grain, Ltd., Bourdeau Brothers, Inc., Inc.
Defendants.

Filed & Entered
On Docket
December 18, 2009

Adversary Proceeding
08-1023

Appearances: Lisa Chalidze, Esq.
Benson, VT
For Diane Montagne

Gary L. Franklin, Esq.
Douglas J. Wolinsky, Esq.
Primmer Piper Eggleston & Cramer PC
Burlington, VT
For Ag Venture Financial Services, Inc.

ORDER

**GRANTING SUMMARY JUDGMENT TO AG VENTURE FINANCIAL SERVICES, INC.,
DISMISSING EIGHT CAUSES OF ACTION IN DIANE MONTAGNE'S COUNTERCLAIM,
AND DENYING DIANE MONTAGNE'S CROSS-MOTION FOR SUMMARY JUDGMENT**

For the reasons set forth in the memorandum of decision of even date, the Court grants Ag Venture's motion for summary judgment (doc. # 250) and dismisses the breach of contract, breach of good faith and fair dealing, negligence, negligent provision of pecuniary information, fraudulent inducement/fraud/negative deceit, express and positive fraud, lender control over a borrower, and interference with actual and/or prospective contractual relations causes of action in Diane Montagne's Counterclaim, and denies Mrs. Montagne's cross-motion for summary judgment on these claims (doc. # 272/292). The remaining claims – unclean hands, punitive damages, and indemnification – remain outstanding.

SO ORDERED.

Rutland, Vermont
December 18, 2009



Colleen A. Brown
United States Bankruptcy Judge