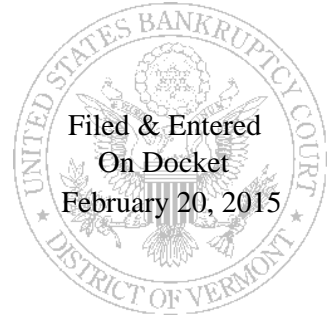


**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**



In re:

**Michael Anthony Strait,
Debtor.**

**Chapter 7 Case
14-10041**

**Rentrak Corporation,
Plaintiff,**

v.

**Michael Anthony Strait,
Defendant.**

**Adversary Proceeding
14-1008**

Appearances: *W. Scott Fewell, Esq.
Dinse Knapp & McAndrew PC
Burlington, Vermont
For the Plaintiff*

*Michael Anthony Strait
Pro Se
Island Pond, Vermont
For the Defendant*

ORDER

**GRANTING IN PART DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,
DENYING PLAINTIFF'S CROSS-MOTION FOR SUMMARY JUDGMENT,
AND SETTING EVIDENTIARY HEARING AND RELATED FILING DEADLINES**

For the reasons set forth in the memorandum of decision of even date, IT IS HEREBY ORDERED that the Defendant's motion for summary judgment on the Plaintiff's first cause of action, defalcation while acting in a fiduciary capacity, under 11 U.S.C. § 523(a)(4), is GRANTED.

IT IS FURTHER ORDERED that the Plaintiff's motion for summary judgment on the Plaintiff's first cause of action is DENIED.

IT IS FURTHER ORDERED that the Defendant's motion for summary judgment, and the Plaintiff's cross-motion for summary judgment, on the Plaintiff's second cause of action, willful and


with respect to this cause of action.

IT IS FURTHER ORDERED that:

1. by March 25, 2015, the parties shall file a joint pre-trial notice of evidentiary hearing that includes:
 - a. all of the information required by Vt. Local Form V,
 - b. a list of the names of each party's proposed witnesses,
 - c. an estimate of how long each of those witnesses will testify and the focus of each witness's testimony,
 - d. a list of the exhibits each party intends to introduce,
 - e. identification of any evidentiary disputes either party anticipates with respect to the testimony or witnesses the opposing party proposes to introduce, and
 - f. a stipulation of undisputed material facts and list of material facts in dispute with respect to Count II of the Complaint
2. by April 8, 2015, the parties shall file objections, if any, to proposed witnesses, exhibits, or testimony the opposing party has said it intends to introduce, and a stipulation with respect to admission of exhibits;
3. on April 22, 2015, at 10:00 a.m.*, the parties shall appear ready to proceed with an evidentiary hearing at the United States Bankruptcy Court in Burlington, Vermont, to address all factual disputes pertaining to Count II of the Complaint;
4. at the hearing, each party shall have all of its exhibits in tabbed binders, with a sufficient number of complete binders to provide a separate binder for opposing counsel, the Court, and the witness box; and
5. the parties shall otherwise comply with all Vermont Local Rules governing evidentiary hearings, including but not limited to Vt. LBR 9070-1.

SO ORDERED.

February 20, 2015
Burlington, Vermont


Colleen A. Brown
United States Bankruptcy Judge

* The time of 10:00 a.m. is subject to change depending on the Court's calendar for April 22, 2015. Parties should contact the Courtroom Deputy the morning of April 21, 2015, to ascertain the time of the hearing.