

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

Michael F. Montagne,
Debtor.

Chapter 12 Case
08-10916

Michael F. Montagne,
Plaintiff,

v.

Ag Venture Financial Services, Inc.,
Bourdeau Brothers, Inc.
Defendants.

Filed & Entered
On Docket
January 5, 2009

Adversary Proceeding
08-1022

Appearances: Jess T. Schwidde
Rutland, VT
For the Debtor-Plaintiff

Lisa Chalidze
Benson, VT
For Diane Montagne

Gary L. Franklin
Primmer Piper Eggleston
& Cramer, PC
Burlington, VT
For Defendant Ag Venture
Services, Inc.

ORDER

GRANTING IN PART AND DENYING IN PART AG VENTURE'S MOTION TO STRIKE

For the reasons set forth in the memorandum of even date, IT IS HEREBY ORDERED that Ag Venture's amended motion to strike (doc. # 6) is GRANTED to the extent that the Court strikes (i) paragraphs 31, 33, and 34 of the complaint, (ii) all of exhibit 12 except the letterhead, date, and salutation on the first page of the exhibit and paragraphs 4 and 6 on the attached "Items of Concern," and (iii) all of exhibit 13.

IT IS FURTHER ORDERED that Ag Venture's amended motion to strike (doc. # 6) is DENIED to the following extent: the Court denies the motion to strike paragraph 32 of the complaint, and denies the motion to strike the letterhead, date, and salutation on page 1 of exhibit 12 and paragraphs 4 and 6 listed on the Items of Concern attached to exhibit 12.

SO ORDERED.

January 5, 2009
Rutland, Vermont


Colleen A. Brown
U.S. Bankruptcy Judge