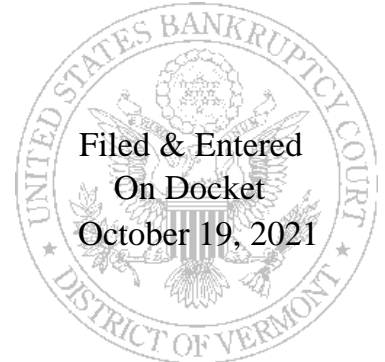


**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**



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**In re:  
Corporation of Southern  
Vermont College, Inc.,  
Debtor.**

**Chapter 7  
Case # 20-10268**

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**Raymond J. Obuchowski, as Trustee,  
Plaintiff,  
v.  
Moshe Perlstein,  
Defendant.**

**Adversary Proceeding  
# 20-01010**

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**Moshe Perlstein,  
Counter Claimant,  
v.  
Raymond J. Obuchowski, as Trustee,  
Counter Defendant.**

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*Appearances: John J. Kennelly, Esq.  
Pratt Vreeland Kennelly Martin & White  
Rutland, VT  
For the Plaintiff*

*Carl H. Lisman, Esq.  
Lisman Leckerling PC  
Burlington, VT  
For the Defendant*

**ORDER**

**GRANTING IN PART AND DENYING IN PART THE PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT  
AND ESTABLISHING SCHEDULE FOR TRIAL**

For the reasons set forth in the memorandum of decision of even date, THE COURT FINDS there are no material facts in dispute with regard to the enforceability of the liquidated damages provision in the parties’ contract, and there are material facts in dispute with respect to the Plaintiff’s breach of contract claim.


Accordingly, IT IS HEREBY ORDERED that the Plaintiff's motion for summary judgment (doc. # 25) is granted as to the issue of enforceability of the liquidated damages provision, and is denied with respect to the breach of contract issue.

IT IS FURTHER ORDERED that, pursuant to the amended scheduling order entered May 27, 2021 (doc # 23), the Court sets the following dates for trial of this adversary proceeding:

1. By November 19, 2021, the parties shall file a joint statement of stipulated facts and a joint final pre-trial statement, using the format specified in Vt. LB Appendix VI, with respect to (a) all causes of action in the Complaint, other than the liquidated damages issue, and (b) any cause of action in the Counterclaim which was not mooted by the sale of the Property. If the parties are unable to agree on all terms of either of these statements, then, as to such document(s), they shall file a joint document setting forth all stipulated terms, and individual statements as to those terms in dispute.
2. By 10:00 a.m. on November 22, 2021, the parties shall each file a notice of evidentiary hearing, identifying all parties who will testify, the projected length of time for the examination and cross-examination of each witness, and all other information specified on Vt. LB Form V.
3. At 11:00 a.m. on November 23, 2021, the parties shall appear for a final pre-trial conference at the United States Bankruptcy Court in Burlington, Vermont.
4. At 1:30 p.m. on December 3, 2021, the parties shall appear at the United States Bankruptcy Court, in Rutland, Vermont, ready to commence and complete the trial on all unresolved issues in this adversary proceeding, within three hours, unless the parties stipulate to, and the Court approves, a different date, location, or length of time for the trial.

SO ORDERED.

October 19, 2021  
Burlington, Vermont

  
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Colleen A. Brown  
United States Bankruptcy Judge