

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

A. J. RINELLA & Co., INC.,

Plaintiff,

v.

**05-CV-0667
(GLS/DRH)**

**TIMOTHY BARTLETT AND NANCY BARTLETT,
individually and doing business under
the assumed name M. FERRIS & SONS,**

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Office of John T. Keenan, III
600 Broadway
3rd Floor
Albany, NY 12207

JOHN T. KEENAN, III., ESQ.

FOR THE DEFENDANTS:

Timothy Bartlett
549 E. Main Avenue
North Adams, MA 01247

No appearance

Nancy Bartlett
549 E. Main Avenue
North Adams, MA 01247

No appearance

**Gary L. Sharpe
U.S. District Judge**

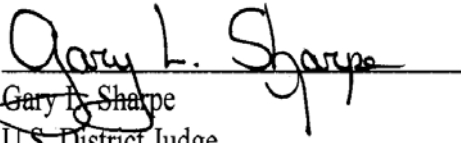
On June 14, 2005, a telephone conference was held on this Order to Show Cause on an application for a Temporary Restraining Order and/or preliminary Injunction. Defendants, having been notified of the hearing and electing not to appear, are enjoined from selling, transferring, liquidating, encumbering or otherwise dissipating the assets of M. Ferris & Sons, or from otherwise applying the proceeds thereof toward M. Ferris & Sons business creditors before they satisfy Rinella's beneficial interest in the Perishable Agricultural Commodities Act (PACA) trust.

WHEREFORE, it is hereby

ORDERED, that defendants, Timothy Bartlett and Nancy Bartlett, doing business under the assumed name M. Ferris & Sons, are enjoined from selling, transferring, liquidating, encumbering or otherwise dissipating the assets of M. Ferris & Sons, or from otherwise applying the proceeds thereof toward M. Ferris & Sons business creditors before they satisfy Rinella's beneficial interest in the Perishable Agricultural Commodities Act (PACA) trust; and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order upon the parties.

Dated: June 21, 2005
Albany, New York


Gary L. Sharpe
U.S. District Judge