

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK


----- X	:	
JOSEPH PEPITONE,	:	6:21 Civ. 00781 (LEK) (ATB)
	:	
Plaintiff,	:	
	:	
- against -	:	
	:	
NATIONAL BASEBALL HALL OF FAME	:	
AND MUSEUM, INC.,	:	
	:	
Defendant.	:	
----- X	:	

**DEFENDANT NATIONAL BASEBALL HALL OF FAME AND MUSEUM’S
NOTICE OF MOTION TO DISMISS THE COMPLAINT WITH PREJUDICE**

PLEASE TAKE NOTICE that Defendant National Baseball Hall of Fame and Museum, Inc. (the “Baseball Hall of Fame”), by and through its undersigned counsel, will and does hereby move this Court before the Honorable Judge Lawrence E. Kahn, at the United States District Court for the Northern District of New York, 445 Broadway, Albany, New York 12207, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint of Plaintiff Joseph Pepitone with prejudice for failure to state a claim upon which relief can be granted based on the application of judicial estoppel. The grounds for this motion are set forth in the accompanying Memorandum of Law in Support of the Baseball Hall of Fame’s Motion to Dismiss as well as the accompanying Declaration of Michael F. Buchanan in Support of the Baseball Hall of Fame’s Motion to Dismiss, and the exhibits affixed thereto.

Dated: August 20, 2021
New York, New York

By:



Michael F. Buchanan (Bar Roll #702975)
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CERTIFICATE OF SERVICE

I, Michael F. Buchanan, hereby certify, pursuant to 28 U.S.C. § 1746, that on August 20, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel of record.

Dated: August 20, 2021
New York, New York

By: _____

A handwritten signature in black ink, appearing to read "Michael F. Buchanan", written over a horizontal line.

Michael F. Buchanan (Bar Roll #702975)

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**MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANT NATIONAL BASEBALL HALL OF FAME AND MUSEUM’S
MOTION TO DISMISS THE COMPLAINT WITH PREJUDICE**

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<https://www.nytimes.com/1988/07/01/obituaries/robert-o-fishel-74-a-baseball-executive.html> (last visited Aug. 18, 2021)5

Defendant the National Baseball Hall of Fame and Museum, Inc. (the “Baseball Hall of Fame”), by and through its undersigned counsel, respectfully submits this memorandum of law, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss with prejudice the Complaint filed by Plaintiff Joseph Pepitone (“Pepitone”).

PRELIMINARY STATEMENT

This case concerns the bat that the Hall of Fame Major League Baseball player, Mickey Mantle, used to hit his 500th career home run on May 14, 1967, at Yankee Stadium in the Bronx, New York (the “Mantle Bat”). The Mantle Bat was inscribed with a facsimile of Pepitone’s signature and was purportedly used by Pepitone earlier in the game. With that historic home run, Mantle became only the sixth Major Leaguer and the first “switch hitter” (a player who bats from both sides of the plate) to reach this milestone. Mantle was one of the greatest players to ever play the game, and remains the all-time home run leader among switch hitters. The Mantle Bat is an important piece of baseball history given the significance of Mantle and his accomplishment of joining the exclusive 500 home run club.

Fittingly, the Mantle Bat was donated to the Baseball Hall of Fame by Mantle’s club, the New York Yankees, in May 1967, days after Mantle belted his historic home run. For the past 54 years, the Mantle Bat has remained at the Baseball Hall of Fame, where it has been proudly displayed for millions of baseball fans across several generations to enjoy, along with countless other artifacts of America’s pastime.

On July 7, 2021, Joseph Pepitone, a former Major League Baseball player who played for various teams in the 1960s and 1970s, filed this lawsuit against the Baseball Hall of Fame, demanding millions of dollars and seeking to remove the Mantle Bat from the Baseball Hall of Fame’s permanent collection. Pepitone, who played for the Yankees in 1967, claims in his lawsuit that he owned the

Mantle Bat in May 1967, and that he has somehow owned it ever since that time, even though it has been at the Baseball Hall of Fame for 54 years. Pepitone also claims that he “loaned” the Mantle Bat to the Baseball Hall of Fame, citing nothing apart from oral conversations he claims to have had with two people who passed away years ago, and offering no explanation for why he waited more than five decades to come forward to claim “his” bat.

If this case proceeded to discovery, it would be revealed as a meritless attempt to shake down the Baseball Hall of Fame for millions of dollars by someone who did not own the Mantle Bat and contributed nothing to the bat’s historical significance. Discovery would show that the New York Yankees, rather than Pepitone, owned the bat and donated it outright to the Baseball Hall of Fame in May 1967. Specifically, contemporaneous records demonstrate that the Mantle Bat was donated, not loaned, to the Baseball Hall of Fame in May 1967 and was given a formal accession number upon arrival—something that is done only for items that are part of the Baseball Hall of Fame’s permanent collection. There is no record of any loan agreement for the Mantle Bat (because none exists) or any reference in any of the Baseball Hall of Fame’s files to the Mantle Bat being anything other than a part of the Baseball Hall of Fame’s permanent collection.

Discovery also would make clear that the endorsement deal Pepitone cites in his Complaint does not help him. In exchange for agreeing in 1959 that a facsimile of his signature could be placed on certain Louisville Slugger baseball bats, Pepitone received a set of golf clubs—not a supply of baseball bats and certainly not the Mantle Bat.

In short, Pepitone’s claim that he loaned the Mantle Bat to the Baseball Hall of Fame, and that it was somehow his “for the asking” every day for the last 54 years, is supported by nothing but Pepitone’s dubious say-so. Further, Pepitone conveniently waited to lay claim to the Mantle Bat until those in a position to contradict his story about loaning it had deceased, including Mantle, the Yankees

public relations executive with whom Pepitone claims to have had an oral agreement that the bat would be loaned, and the Baseball Hall of Fame employee whom Pepitone alleges told him at unspecified times that the bat was his “for the asking.” The substantial delay in Pepitone’s seeking to claim the Mantle Bat—which has been on public view for over a half-century—and the loss of these critical witnesses due to that lengthy delay would prejudice the Baseball Hall of Fame and result in dismissal of the Complaint on laches grounds at summary judgment.

But this Court can and should dismiss this case now. That is because, in his 2010 bankruptcy case, Pepitone admitted—with the assistance of counsel, under oath and penalty of perjury—that he did not own or have any interest in the Mantle Bat and had no claim to it or against the Baseball Hall of Fame. The Bankruptcy Court relied on Pepitone’s sworn representations in granting a discharge of his debts, thereby shielding him and his remaining assets from his many creditors. As a result, Pepitone is judicially estopped from now claiming the Mantle Bat as his, and the Complaint should be dismissed.

Pepitone’s sworn representations in his 2010 Bankruptcy Petition disclaiming any ownership interest in the Mantle Bat were true and cannot be squared with the allegations in his Complaint. If Pepitone believed the story he tells in his Complaint were true—it is not—he would have listed the Mantle Bat as an asset in his Bankruptcy Petition.

Pepitone’s failure to list the Mantle Bat in his Bankruptcy Petition is fatal to his ability to bring this lawsuit. Where, as here, a debtor in bankruptcy fails to list an asset in his or her bankruptcy petition, and the Bankruptcy Court accepts that representation by discharging the debtor from bankruptcy, the debtor is judicially estopped from later bringing a lawsuit to recover the undisclosed asset or receive damages relating to the undisclosed asset. To hold otherwise would be to allow

debtors such as Pepitone to game the system, deprive creditors of assets to satisfy their debt, and compromise the integrity of the judicial process. The Complaint should be dismissed.

RELEVANT FACTS

A. The Parties

1. The National Baseball Hall of Fame and Museum

Defendant, the National Baseball Hall of Fame and Museum, Inc., is a not-for-profit organization that operates the National Baseball Hall of Fame and Museum in Cooperstown, New York. (Compl. ¶¶ 5, 7.) The Baseball Hall of Fame, through its Museum, “is dedicated to preserving the history of baseball, honoring excellence in the game and connecting the generations of baseball enthusiasts.” (*Id.* ¶ 8.) For over 50 years, the Baseball Hall of Fame has proudly owned and displayed the Mantle Bat in its Museum for the public to enjoy. (*Id.* ¶¶ 32, 33.)

2. Joseph Pepitone and His Complaint

Plaintiff, Joseph Pepitone, is a resident of New Jersey and a former baseball player who last played in Major League Baseball in 1973. (Compl. ¶ 9.) In his Complaint, filed on July 7, 2021, Pepitone claims that the Mantle Bat is, and since May 1967, has been, his “personal property” that has been on “loan” to the Baseball Hall of Fame. (*Id.* ¶¶ 1, 24, 29-32.) In support of his claim to the Mantle Bat, Pepitone cites only to an endorsement deal that on its face did not purport to convey ownership of the Mantle Bat—or any bat—to him. (*Id.* ¶¶ 21-24; Buchanan Decl.¹ Ex. 1.²) In support

¹ Cites to “Buchanan Decl. Ex.” are to exhibits attached to the Declaration of Michael F. Buchanan, which is filed contemporaneously herewith. Redactions have been applied to these exhibits, consistent with the requirements of Rule 5.2(a) of the Local Rules of Practice of the United States District Court for the Northern District of New York.

² See *Vazquez-Mentado v. Buitron*, 995 F. Supp. 2d 93, 97 n.3 (N.D.N.Y. 2014) (“[I]n deciding a motion to dismiss, a court can consider ‘documents incorporated by reference in the complaint.’”) (quoting *Taylor v. Vt. Dep’t of Educ.*, 313 F.3d 768, 776 (2d Cir. 2002)).

of his claim that the Mantle Bat was loaned—rather than donated outright—to the Baseball Hall of Fame, Pepitone references a purported oral agreement with a former Yankees public relations executive (Bob Fishel) who passed away in 1988, and purported oral assurances made to Pepitone on unspecified dates by a former Baseball Hall of Fame employee (Bill Guilfoile) who passed away in 2016. (Compl. ¶¶ 29-31, 34.)³

B. Pepitone Files for Bankruptcy

On April 22, 2010, Pepitone filed for bankruptcy under Chapter 7 of the Bankruptcy Code, in the United States Bankruptcy Court for the Eastern District of New York before the Honorable Judge Dorothy Eisenberg. (Buchanan Decl. Ex. 2 (*In re Pepitone*, Ch. 7 Case No. 8-10-72883-DTE (E.D.N.Y. Bankr., Apr. 22, 2010), ECF No. 1) (hereinafter, *In re Pepitone*)). Pepitone was represented by counsel in connection with completing and filing a bankruptcy petition, including the related official schedules and statements of financial affairs that are required of all Chapter 7 debtors (collectively, the “Bankruptcy Petition”). (*See id.* at 3, 4, 36; Buchanan Decl. Ex. 3 (ECF No. 2 in *In re Pepitone*)). In his Bankruptcy Petition, Pepitone was required—under oath and on penalty of perjury—to list all of his assets, including all personal property, collectibles and sports equipment, whether in his custody or the custody of anyone else, any vested or contingent claims, and any contracts of any sort.

³ *Robert O. Fishel, 74, A Baseball Executive*, N.Y. TIMES. July 1, 1988, available at <https://www.nytimes.com/1988/07/01/obituaries/robert-o-fishel-74-a-baseball-executive.html> (last visited Aug. 18, 2021); *William J. Guilfoile, 1931 – 2016*, LEGACY.COM, <https://www.legacy.com/us/obituaries/fdlreporter/name/william-guilfoile-obituary?pid=180668237> (last visited Aug. 18, 2021). *See generally Shaut v. Sec’y of the HHS*, 14 Civ. 0910 (TJM) (TWD), 2014 WL 7358648, at *1 & n.2 (N.D.N.Y. Dec. 22, 2014) (courts may take judicial notice of obituaries published on the Internet).

Despite listing items of nominal value, like compact discs worth \$100, and rifles worth \$400, Pepitone did not list the Mantle Bat as an asset in his Bankruptcy Petition. He did not list any claims against the Baseball Hall of Fame or any claims concerning the Mantle Bat. He did not list any contracts—oral, written or otherwise—with anyone concerning the Mantle Bat. For Pepitone, who owned no real estate and claimed total cash holdings of about \$550, the Mantle Bat easily would have been his most valuable asset.

Pepitone signed the Bankruptcy Petition in numerous places, attested that he was doing so under penalty of perjury, and acknowledged that making false statements or concealing assets in that filing would subject him to hundreds of thousands of dollars in fines and up to five years in federal prison.

C. Pepitone Does Not List the Mantle Bat in His Bankruptcy Petition

The Bankruptcy Petition included several sections which required Pepitone to disclose his alleged interest in the Mantle Bat. If he believed that the story in his Complaint were true, he would have disclosed—indeed he was *legally obligated* to disclose—that interest in response to several of the questions that appear in the official bankruptcy schedules. He did not.

For example, “**SCHEDULE B – PERSONAL PROPERTY**” required Pepitone to “list all personal property of . . . whatever kind” that he claimed to own as of April 22, 2010. (Buchanan Decl. Ex. 2 at 10.) The instructions for this portion of the Bankruptcy Petition provided further: “If the debtor has no property in one or more of the categories, place an ‘x’ in the appropriate position in the column labeled ‘None’.” (*Id.*) Pepitone also was instructed as follows in this portion of the Bankruptcy Petition: “If the property is being held for the debtor by someone else, state that person’s name and address under ‘Description and Location of Property’.” (*Id.*)

Pepitone was required to list in Schedule B to his Bankruptcy Petition several different “Type[s] of Property” that he owned, including several categories which would have plainly called for the inclusion of the Mantle Bat if Pepitone actually believed the allegations that are in his Complaint. But under each of these categories, Pepitone failed to list the Mantle Bat or any contract or claim related to it. Specifically:

- Under “Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and *other collections or collectibles*,” Pepitone listed only “Compact Discs” valued at \$100. (Buchanan Decl. Ex. 2 at 10 (emphasis added).)
- Under “Firearms and *sports*, photographic, and other hobby *equipment*,” Pepitone listed only “3 Rifles,” which he valued at \$400. (*Id.* (emphases added).)⁴
- Under “*Equitable or future interests*, life estates, and *rights or powers exercisable for the benefit of the debtor* other than those listed in Schedule A – Real Property,” Pepitone placed an “X” under the column titled “NONE,” indicating that he owned no such property. (*Id.* at 11 (emphases added).)
- Under “*Other contingent and unliquidated claims of every nature*, including tax refunds, counterclaims of the debtor, and rights to set off claims,” Pepitone placed an “X” under the column titled “NONE,” indicating that he owned no such property. (*Id.* (emphasis added).)
- Under “*Other personal property of any kind not already listed*,” Pepitone placed an “X” under the column titled “NONE,” indicating that he owned no personal property beyond the specific items he listed in Schedule B in his Bankruptcy Petition. (*Id.* at 12 (emphasis added).)

Pepitone did not list the Mantle Bat or any contracts or claims relating to the Mantle Bat in response to any of these questions. (*See id.*) Images of the relevant portions of Schedule B to Pepitone’s Bankruptcy Petition are set forth immediately below for the Court’s convenience:

⁴ In Schedule C to the Bankruptcy Petition, Pepitone again confirmed that the only “Collectibles” he owned were “Compact Discs” valued at \$100, and that the only “Sports . . . Equipment” he owned consisted of “3 Rifles” valued at \$400. (Buchanan Decl. Ex. 2 at 13.)

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B6B (Official Form 6B) (12/07)

In re Joseph A. Pepitone Case No. _____
 Debtor

SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
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5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.		Compact Discs	-	100.00
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8. Firearms and sports, photographic, and other hobby equipment.		3 Rifles	-	400.00
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19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
--	---	--	--	--

21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
--	---	--	--	--

35. Other personal property of any kind not already listed. Itemize.	X			
--	---	--	--	--

In Schedule G to the Bankruptcy Petition, Pepitone was required to (a) “[d]escribe all executory contracts of any nature and all unexpired leases of real or personal property”; (b) “[s]tate [the] nature of [his] interest in [the] contract”; and (c) “[p]rovide the names and complete mailing addresses of all other parties to each lease or contract described.” (Buchanan Decl. Ex. 2 at 19)

(emphasis added).) Pepitone listed only the lease for his residence and the names and address of his landlords. (*See id.*) Pepitone did not list any oral contract or agreement concerning the Mantle Bat, and did not list the Yankees, Bob Fishel, Bill Guilfoile, or the Baseball Hall of Fame as a party to any contract or agreement. (*See id.*) For ease of reference, an image of the relevant portion of Schedule G to Pepitone’s Bankruptcy Petition is set forth immediately below:

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B6G (Official Form 6G) (12/07)

In re Joseph A. Pepitone Debtor Case No. _____

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code, of Other Parties to Lease or Contract	Description of Contract or Lease and Nature of Debtor's Interest. State whether lease is for nonresidential real property. State contract number of any government contract.
<p>Jim Nolan and Lisa Nolan _____ Merrick, NY 11566</p>	<p>Lease for Premises: _____ Massapequa, NY 11758 2 yr. lease, \$2,700/mo., commenced 7/15/2009</p>

Pepitone also represented in the Bankruptcy Petition that he owned no “property which has been in the hands of a custodian . . . within **one year** immediately preceding the commencement of this case” (Buchanan Decl. Ex. 2 at 26 (emphasis in original)) in a section titled “**STATEMENT OF FINANCIAL AFFAIRS.**” An image of the relevant portion of the Statement of Financial Affairs in Pepitone’s Bankruptcy Petition is set forth immediately below:

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT
<p>None</p>	<p>b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)</p>	

D. Pepitone Attests to the Truthfulness of His Bankruptcy Petition

Pepitone did not make the representations in his Bankruptcy Petition lightly. Indeed, Pepitone attested with his signature that he had “read the . . . summary and schedules” and “statement of financial affairs” in his Bankruptcy Petition, and that those disclosures “[we]re true and correct to the best of [his] knowledge, information, and belief.” (Buchanan Decl. Ex. 2 at 23, 31.) On three separate instances in his Bankruptcy Petition, Pepitone declared “under penalty of perjury” that the information he provided therein was “true and correct.” (*Id.* at 4, 23, 31.)

Pepitone, who was being advised by counsel, acknowledged numerous times in his Bankruptcy Petition with his signature that he was aware that lying in that filing carried serious consequences. (*See* Buchanan Decl. Ex. 2 at 23 (“*Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.*” (emphasis in original)); *id.* at 31 (“*Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.*” (emphasis in original)).)

E. The Bankruptcy Court Accepts and Relies Upon Pepitone’s Representations and Discharges Him from Bankruptcy

On August 12, 2010, in reliance on the representations Pepitone made in his Bankruptcy Petition, including his representation that he had no ownership interest in, contract concerning or claim regarding, the Mantle Bat, Judge Eisenberg entered an Order granting Pepitone a discharge pursuant to Section 727 of the Bankruptcy Code. (Buchanan Decl. Ex. 4 (ECF No. 20 in *In re Pepitone*)). On August 14, 2010, the docket in the bankruptcy proceeding confirmed that Pepitone’s many creditors had been notified that his debts had been discharged by the Bankruptcy Court. (Buchanan Decl. Ex. 5 at 4 (ECF No. 21 in *In re Pepitone*)). As a result, Pepitone’s obligations to an array of creditors were wiped out—their claims against him legally extinguished: over \$130,000 in

debt was “discharged without payment.” (Buchanan Decl. Ex. 6 at 5 (*In re Pepitone* Minute Entry dated July 15, 2011).)

On July 18, 2011, Judge Eisenberg issued a Final Decree, formally closing Pepitone’s bankruptcy proceeding. (Buchanan Decl. Ex. 7 (ECF No. 22 in *In re Pepitone*)).

F. Pepitone Files a Lawsuit Claiming to Own the Mantle Bat

On July 7, 2021, ten years after Judge Eisenberg discharged his debts and closed his bankruptcy case in reliance on the representations in his Bankruptcy Petition, Pepitone filed the Complaint in the above-captioned lawsuit before this Honorable Court. (ECF No. 1.)

In the Complaint, Pepitone alleges that the Mantle Bat is and has been his “personal property” since at least May 1967; that he has been the “owner” of the bat that entire time; that at no time did Pepitone ever “gift, sell, assign, or in any way transfer[] his sole ownership interest in the [Mantle] Bat to any person or entity”; and that on any day over the last 54 years the Mantle Bat has been on display at the Baseball Hall of Fame for baseball fans to enjoy, Pepitone had the unconditional right to simply “ask” for “his bat” to be “returned to him at any time upon his request.” (Compl. ¶¶ 1, 11, 19, 21, 23-24, 31, 34, 35, 39.)

LEGAL STANDARD

“A party may raise a defense of . . . judicial estoppel on a motion to dismiss pursuant to Rule 12(b)(6) where the basis for that defense is set forth on the face of the complaint or established by public record.” *Julian v. Metro. Life Ins. Co.*, 17 Civ. 00957 (AJN), 2021 WL 1226749, at *3 (S.D.N.Y. Mar. 31, 2021) (citation and internal quotation marks omitted). In “deciding a Rule 12(b)(6) motion,” a court “may consider not only the complaint, but also any relevant documents that may be judicially noticed.” *Thomas v. JP Morgan Chase, N.A.*, 11 Civ. 3656 (JG) (RML), 2012 WL 2872164, at *6 (E.D.N.Y. July 11, 2012) (citing *Kramer v. Time Warner Inc.*, 937 F.2d 767, 773 (2d

Cir. 1991)), *aff'd*, 532 F. App'x 10 (2d Cir. 2013); *see Staehr v. Hartford Fin. Servs. Grp., Inc.*, 547 F.3d 406, 426 (2d Cir. 2008) (“[M]atters judicially noticed by the District Court are not considered matters outside the pleadings.”) Matters that may be judicially noticed include “public documents or matters of public records.” *Evans v. Epimed Int’l*, 19 Civ. 805 (MAD) (CFH), 2020 WL 2497145, at *1 n.1 (N.D.N.Y. May 14, 2020).

It is well established that courts “may take judicial notice of documents and other related filings made in the Bankruptcy Court.” *Lapointe v. Target Corp.*, 16 Civ. 0216 (GTS) (CFH), 2017 WL 1397311, at *2 n.1 (N.D.N.Y. Feb. 14, 2017). Likewise, a “District Court, in taking judicial notice of documents filed on other dockets, may then find that a litigant is judicially estopped from taking a position contrary to one already propounded” in that previously filed document. *Pu v. Russell Publ’g Grp., Ltd.*, 15 Civ. 3936 (VSB), 2016 WL 9021990, at *7 (S.D.N.Y. Sept. 2, 2016), *aff’d*, 683 F. App’x 96 (2d Cir. 2017).

ARGUMENT

I. PEPITONE IS JUDICIALLY ESTOPPED FROM CLAIMING OWNERSHIP OF THE MANTLE BAT

Pepitone’s failure to disclose or in any way reference the Mantle Bat in his Bankruptcy Petition—representations made under penalty of perjury with the assistance of legal counsel and adopted by the Bankruptcy Court to discharge Pepitone’s debts—judicially estops him from pursuing the claims set forth in his Complaint. For the reasons set forth below, the Complaint should be dismissed with prejudice.

A. The Law of Judicial Estoppel

Under the doctrine of judicial estoppel, “[w]here a party assumes a certain position in a legal proceeding, and succeeds in maintaining that position, he may not thereafter, simply because his interests have changed, assume a contrary position.” *New Hampshire v. Maine*, 532 U.S. 742, 749

(2001) (quoting *Davis v. Wakelee*, 156 U.S. 680, 689 (1895)). The “purpose” of judicial estoppel “is to protect the integrity of the judicial process by prohibiting parties from deliberately changing positions according to the exigencies of the moment.” *New Hampshire*, 532 U.S. at 749-50 (internal quotation marks and citations omitted). In this District and in the Second Circuit, judicial estoppel applies where “(1) the party against whom the estoppel is asserted took an inconsistent position in a prior proceeding and (2) that position was adopted by the first tribunal in some manner, such as by rendering a favorable judgment.” *Lapointe*, 2017 WL 1397311, at *5 (quoting *Robinson v. Concentra Health Servs., Inc.*, 781 F.3d 42, 45 (2d Cir. 2015)). The Second Circuit also on occasion has examined (3) whether “the party asserting the two positions would derive an unfair advantage,” although it “do[es] not always require a showing of unfair advantage.” *BPP Illinois, LLC v. Royal Bank of Scot. Grp. PLC*, 859 F.3d 188, 194 (2d Cir. 2017) (citing *In re Adelpia Recovery Trust*, 634 F.3d 678, 695-96 (2d Cir. 2011).) Courts in this Circuit also consider (4) whether “allow[ing] a party . . . to take a[n inconsistent] position” in a subsequent proceeding would pose a “risk to judicial integrity.” *Adelpia Recovery Trust v. Goldman Sachs & Co.*, 748 F.3d 110, 116-17 (2d Cir. 2014).

Judicial estoppel is “routinely” applied “when a position taken in bankruptcy court is inconsistent with the position taken in another court.” *Raizberg v. JV CJSC Gulfstream Sec. Sys.*, 11 Civ. 8498 (KMW), 2013 WL 1245545, at *4 (S.D.N.Y. Mar. 26, 2013) (collecting cases). That is because “[i]n the bankruptcy context, judicial estoppel protects the integrity of the bankruptcy system, which depends on the debtor’s complete and honest disclosure of all assets.” *Id.*

The Bankruptcy Code “defines the bankruptcy estate as including ‘all legal or equitable interests of the debtor in property as of the commencement of the case.’” *Chartschlaa v. Nationwide Mut. Ins. Co.*, 538 F.3d 116, 122-23 (2d Cir. 2008) (quoting 11 U.S.C. § 541(a)(1)). Because “[e]very conceivable interest of the debtor, future, nonpossessory, contingent, speculative, and derivative, is

within the reach of § 541,” the debtor is “obligat[ed] to disclose *all* his [or her] interests at the commencement of a [bankruptcy] case” and make a “full and complete disclosure of [his or her] finances.” *Chartschlaa*, 538 F.3d at 122 (emphasis in original). See *Adelphia Recovery Tr.*, 748 F.3d at 118 (“Determination of the ownership of assets is at the core of the bankruptcy process, . . . [and] [i]t is . . . crucial, both for the sake of finality and the needs of debtors and creditors, that claims to ownership of various assets be determined in the bankruptcy proceedings.”) As such, when a debtor does not list a given asset in his or her bankruptcy disclosures, that non-disclosure is tantamount to a sworn representation that the debtor does not have any ownership interest of any kind in that asset. See, e.g., *Amash v. Home Depot U.S.A., Inc.*, 12 Civ. 837 (TJM), 2013 WL 6592205, at *4 (N.D.N.Y. Dec. 16, 2013) (failure to list claims in bankruptcy petition equivalent to debtor representing “that [he] had no outstanding claims or lawsuits against another party”); *Coffaro v. Crespo*, 721 F. Supp. 2d 141, 145-46 (E.D.N.Y. 2010) (failure to list painting as asset in bankruptcy petition equivalent to representation “that [the debtor] had no ownership interest in the Painting”).

Thus, judicial estoppel is regularly applied to bar claims where either the claim itself or the asset underlying the claim was not disclosed by the plaintiff as a debtor in a prior bankruptcy. See, e.g., *BPP Illinois, LLC*, 859 F.3d at 194 (dismissing fraud and related claims on judicial estoppel grounds where party previously failed to list those claims as assets in bankruptcy filings); *Adelphia Recovery Tr.*, 748 F.3d at 119-20 (dismissing fraudulent conveyance claim on judicial estoppel grounds where underlying property that claim concerned was not listed as an asset owned by the plaintiff when it was a debtor in bankruptcy); *Adelphia Recovery Tr.*, 634 F.3d at 695-99 (dismissing fraudulent conveyance claim on judicial estoppel grounds where plaintiff had failed to disclose claim when it was a debtor in bankruptcy); *Lapointe*, 2017 WL 1397311, at *5-7 (dismissing claims against employer for misclassifying plaintiff’s employment status on judicial estoppel grounds where

plaintiff had failed to disclose any claims against his employer when he was a debtor in bankruptcy); *Amash*, 2013 WL 6592205, at *4 (dismissing claims for FLSA violation against former employer that plaintiff had failed to disclose in bankruptcy); *Coffaro*, 721 F. Supp. 2d at 146-48 (party who had failed to disclose any ownership interest in painting was judicially estopped “from asserting a claim to the Painting” and, as a result of that ruling, other party was deemed to “ha[ve] superior title to [the painting]”); *Galin v. United States*, 08 Civ. 2508 (JFB) (ETB), 2008 WL 5378387, at *10-11 (E.D.N.Y. Dec. 23, 2008) (plaintiff’s claim predicated on allegation that “she was the equitable owner of [certain real property]” dismissed on judicial estoppel grounds where she took the “inconsistent . . . position during her bankruptcy filing that she had no interest in any real property”); *Negron v. Weiss*, 06 Civ. 1288 (CBA), 2006 WL 2792769, at *3 (E.D.N.Y. Sept. 27, 2006) (plaintiffs’ suit seeking declaration they were lawful owners of apartment and damages from dispossession thereof dismissed on judicial estoppel grounds where plaintiffs had failed to disclosed any interest in the apartment when they were debtors in bankruptcy); *Raizberg*, 2013 WL 1245545, at *3-6 (dismissing plaintiff’s claims for, *inter alia*, conversion, predicated on ownership of stocks and other corporate interests where he failed to disclose any such assets in earlier bankruptcy); *Ibok v. Siac-Sector Inc.*, 05 Civ. 6584 (GBD) (GWG), 2011 WL 293757, at *7 (S.D.N.Y. Feb. 2, 2011) (party who failed to disclose employment discrimination claim in prior bankruptcy judicially estopped from later asserting claim), *report and recommendation adopted*, 2011 WL 979307 (S.D.N.Y. Mar. 14, 2011), *aff’d*, 470 F. App’x 27 (2d Cir. 2012). The same outcome should apply here.

B. Pepitone Took a Position in His Bankruptcy Proceeding that is Inconsistent with His Complaint

By failing to list or reference his purported ownership interest in the Mantle Bat in his Bankruptcy Petition (*see supra* at pp. 5-10), Pepitone swore under oath that he had no ownership interest in, contract concerning, or legal claim relating to, the Mantle Bat. While Pepitone’s

disclaiming ownership in the Mantle Bat during his bankruptcy proceeding is consistent with the truth and the contemporaneous records showing that the Mantle Bat was donated outright to the Baseball Hall of Fame in May 1967, that representation is fundamentally inconsistent with the positions he advances in his Complaint. After receiving a discharge of his debts, Pepitone now alleges that the Mantle Bat was his “personal property” and his “for the asking” for the last 54 years because he “own[ed]” the bat that entire time, since he allegedly agreed to a mere “loan” of the bat to the Baseball Hall of Fame in May 1967. (*See supra* at p. 11.) Those allegations cannot be squared with the representations that Pepitone made in his Bankruptcy Petition or with a bankruptcy case that resulted in the discharge of more than \$130,000 worth of claims.

Coffaro v. Crespo, 721 F. Supp. 2d 141, is directly on point. In *Coffaro*, when the defendant, Crespo, filed for bankruptcy in 1994, he did not list a painting by Salvador Dali titled “Folle Folle Folle Minerva” (the “Dali Painting”) as an asset in his bankruptcy schedules nor did he list any “art objects” or claims against anyone for conversion or theft of the Dali Painting. *See id.* at 143. The Bankruptcy Court accepted Crespo’s representations and entered an order discharging him of his debts. *See id.* at 145-46. Years later, Crespo became embroiled in a dispute with the eventual plaintiff, Coffaro, as to who was the rightful owner of the Dali Painting. In 2008, Coffaro filed suit against Crespo seeking a declaratory judgment that he was the true owner of the Dali Painting and bringing claims for, *inter alia*, conversion. *See id.* at 142. In ruling for the plaintiff, the court held that Crespo was “judicially estopped from asserting ownership [of the Dali Painting] in the current proceeding” due to his failure to list the Dali Painting as an asset in his prior bankruptcy. *Id.* at 145. The court explained that Crespo had “an affirmative obligation to disclose all assets to the bankruptcy court,” and held that, because Crespo did not list the Dali Painting or any claim related thereto, his position in the subsequent lawsuit that he was the true owner of the Dali Painting was “clearly

inconsistent with the position he took earlier in his bankruptcy proceeding.” *Id.* at 145. *See also Raizberg*, 2013 WL 1245545, at *3-4 (“[p]laintiff’s claims . . . predicated on an ownership interest in [certain stock and corporate interests] during the period of the bankruptcy proceeding” were “‘clearly inconsistent’ with his earlier position before the bankruptcy court,” where he “represented that he held no stock or corporate interests”).

As with the Dali Painting in *Coffaro*, so too with the Mantle Bat here. Pepitone’s allegations of continuous ownership of the Mantle Bat from 1967 through 2021 simply cannot be reconciled with his representations to the Bankruptcy Court in 2010 that he had no ownership interest in, contract concerning, or legal claims relating to, the Mantle Bat. At bottom, Pepitone’s entire “theory” of recovery in his Complaint is premised on “alleg[ations] that he held, or believed he held, an ownership interest in” an asset as to which he previously disclaimed any ownership interest before the Bankruptcy Court. *Raizberg*, 2013 WL 1245545, at *4-5. Pepitone’s positions here and in the Bankruptcy Petition present “an irreconcilable inconsistency warranting the application of judicial estoppel.” *Id.*

C. Pepitone’s Prior Inconsistent Position Was Adopted by the Bankruptcy Court

Pepitone never amended or supplemented his Bankruptcy Petition to disclose any interest in the Mantle Bat: not before Judge Eisenberg entered the discharge order and not after. The discharge order was predicated on the disclosures contained in the Bankruptcy Petition, and it relieved Pepitone of more than \$130,000 in liability to creditors. (*See supra* at pp. 10-11.)

Under well-settled law, “[a] bankruptcy court is considered to have adopted a party’s assertion in a bankruptcy proceeding when it confirms a plan in which creditors release claims against the debtor.” *Coffaro*, 721 F. Supp. 2d at 146 (quoting *Galín v. IRS*, 563 F. Supp. 2d 332, 339 (D. Conn. 2008)). *See BPP Illinois, LLC*, 859 F.3d at 194 n.4 (“By confirming the plan, the bankruptcy court

relied on BPP's schedule of assets, thereby implicitly (but categorically) accepting the accuracy of BPP's list of assets."); *Lapointe*, 2017 WL 1397311, at *6 ("[T]he Bankruptcy Court adopted Plaintiff's inconsistent position when it granted him a discharge.") *Azuike v. BNY Mellon*, 962 F. Supp. 2d 591, 598-600 (S.D.N.Y. 2013) ("[T]he bankruptcy court adopted plaintiff's representation that such a claim did not exist when it discharged his debts and closed the bankruptcy case.") Accordingly, the second element of judicial estoppel is easily met.

D. Allowing Pepitone to Pursue This Claim Would Give Him an Unfair Advantage

While the Second Circuit "do[es] not always require" courts to consider whether a party would receive an "unfair advantage" if judicial estoppel were not applied, *BPP Illinois, LLC*, 859 F.3d at 194 (citing *In re Adelpia Recovery Tr.*, 634 F.3d at 695-96), that element is readily met.

A party "obtain[s] an unfair advantage" where he fails to disclose assets or claims in a bankruptcy proceeding and then emerges from bankruptcy, "preserving his ability to recover on [the asset or] the claim himself." *Azuike*, 962 F. Supp. 2d at 599. See *BPP Illinois, LLC*, 859 F.3d at 194 ("Regardless of whether (or not) BPP actually knew of its possible LIBOR claims, and whether (or not) the claims were of great value, BPP's assertion of the claims now would allow it to enjoy an unfair advantage at the expense of its former creditors, who had a right to consider the claims during the bankruptcy proceeding."); *Thomas*, 2012 WL 2872164, at *8 (plaintiff's "inconsistent positions [in advancing claim she failed to disclose in bankruptcy] have provided her with an unfair advantage since she has received the benefit of a discharge of her debts while still possessing the ability to recover on her claims in full").

Those cases compel a finding of unfair advantage here, where Pepitone received a discharge of his debts totaling over \$130,000 through bankruptcy and would, absent judicial estoppel, be permitted to pursue a claim to the Mantle Bat for his own benefit at the expense of his creditors.

Allowing Pepitone to pursue recovery of millions of dollars for his personal gain based on an asset he never disclosed to his creditors or to the Bankruptcy Court would be an “unfair advantage” warranting the application of judicial estoppel.

E. Judicial Integrity Would Be Undermined if Pepitone’s Claims Were Allowed to Proceed

Allowing Pepitone to pursue this lawsuit to recover an asset he failed to disclose in his Bankruptcy Petition “would threaten the integrity of the bankruptcy process by encouraging parties to alter their positions as to ownership of assets as they deem their litigation needs to change, leaving courts to unravel previously closed proceedings,” and “would allow parties an opportunity to ‘play[] fast and loose’ with the requirements of the bankruptcy process and inject an unacceptable level of uncertainty into its results—exactly the result that the doctrine of judicial estoppel is intended to avoid.” *Adelphia Recovery Tr.*, 748 F.3d at 119; *see In re Adelphia Recovery Trust*, 634 F.3d at 696 (integrity of the judicial process is threatened where parties take a short term position that risks being inconsistent with its future position, irrespective of whether they are “knowingly [lying]” in doing so). That is because “the integrity of the bankruptcy system depends on full and honest disclosure by debtors of all of their assets.” *Azuike*, 962 F. Supp. 2d at 599-600 (citation and internal quotation marks omitted).

With these principles in mind, courts forbid litigants like Pepitone from reversing course once they emerge from bankruptcy to pursue previously disclaimed assets because of the threat such behavior would have to the integrity of the judicial system and the bankruptcy process itself. *See, e.g., Amash*, 2013 WL 6592205, at *4 (“[A]llowing Plaintiff to pursue this lawsuit absent full and honest disclosure of his assets would violate the integrity of the bankruptcy system.”) (quoting *Ibok*, 2011 WL 979307, at *3); *Raizberg*, 2013 WL 1245545, at *3-6 (“absent a finding of judicial estoppel, judicial integrity would be undermined” if plaintiff were “permitt[ed] . . . to assert a contrary

position in this case” than the one he advanced in bankruptcy); *Kotbi v. Hilton Worldwide, Inc.*, 11 Civ. 3550 (TPG), 2012 WL 914951, at *3 (S.D.N.Y. Mar. 19, 2012) (“It would violate the integrity of the bankruptcy system to permit a debtor to obtain relief from the bankruptcy court by representing that no claims exist and then subsequently assert those claims for his own benefit in a separate proceeding.”) (citation and internal quotation marks omitted).

Pepitone should not be permitted to compromise the integrity of the bankruptcy system to pursue his meritless claims over an asset—the Mantle Bat—he repeatedly swore under oath he did not own. His Complaint should be dismissed on judicial estoppel grounds.

II. THE COMPLAINT SHOULD BE DISMISSED WITH PREJUDICE

While leave to amend a complaint should be freely given “when justice so requires,” Fed. R. Civ. P. 15(a)(2), “[l]eave to amend should . . . be denied if any amendment would be futile.” *Rother v. NYS Dep’t of Corr. & Cmty. Supervision*, 970 F. Supp. 2d 78, 91 (N.D.N.Y. 2013). “An amendment is considered futile,” where, as here, an “amended pleading . . . would be subject to a successful motion to dismiss.” *McManus v. Tetra Tech Constr., Inc.*, 260 F. Supp. 3d 197, 210 (N.D.N.Y. 2017) (citation and internal quotation marks omitted). As set forth above, Pepitone is judicially estopped from making any claim of ownership to the Mantle Bat and thus cannot bring an action to recover the bat or to receive remuneration from allegedly being deprived of its possession, regardless of how he may seek to amend his Complaint. (*See supra* at pp. 12-20.) Accordingly, his Complaint should be dismissed with prejudice, and any motion for leave to amend should be denied.

CONCLUSION

For the foregoing reasons, the Baseball Hall of Fame respectfully requests that the Court grant its motion to dismiss the Complaint with prejudice.

Dated: New York, New York
August 20, 2021

PATTERSON BELKNAP WEBB & TYLER LLP

By:  _____


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*Attorneys for Defendant National Baseball Hall of
Fame and Museum, Inc.*

CERTIFICATE OF SERVICE

I, Michael F. Buchanan, hereby certify, pursuant to 28 U.S.C. § 1746, that on August 20, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel of record.

Dated: August 20, 2021
New York, New York

By: 

Michael F. Buchanan (Bar Roll #702975)

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF NEW YORK

----- X	:	
JOSEPH PEPITONE,	:	6:21 Civ. 00781 (LEK) (ATB)
	:	
Plaintiff,	:	DECLARATION OF MICHAEL F.
	:	BUCHANAN IN SUPPORT OF
- against -	:	DEFENDANT NATIONAL
	:	BASEBALL HALL OF FAME AND
NATIONAL BASEBALL HALL OF FAME	:	MUSEUM, INC.’S MOTION TO
AND MUSEUM, INC.,	:	DISMISS THE COMPLAINT WITH
	:	PREJUDICE
Defendant.	:	
----- X	:	

MICHAEL F. BUCHANAN, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury that the following is true and correct:

1. I am an attorney duly admitted to practice before this Court and partner at the law firm of Patterson Belknap Webb & Tyler LLP, attorneys for Defendant National Baseball Hall of Fame and Museum, Inc. (the “Baseball Hall of Fame”). I am familiar with the facts of this action and respectfully submit this Declaration in support of the Baseball Hall of Fame’s Motion to Dismiss the Complaint.

2. Attached hereto as **Exhibit 1** is a true and correct copy of an October 25, 1959 agreement between Hillerich & Bradsby Co. and Joseph Pepitone, which is referenced in Paragraphs 21-24 of the Complaint in the above-captioned action.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the bankruptcy petition filed by Joseph Pepitone in *In re Pepitone*, Ch. 7 Case No. 8-10-72883-DTE (Bankr. E.D.N.Y. Apr. 22, 2010), ECF No. 1.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Statement Pursuant to Local Rule 2017 filed by Joseph Pepitone’s lawyer, Robert L. Pryor, in *In re Pepitone*, Ch. 7 Case No. 8-10-72883-DTE (Bankr. E.D.N.Y. Apr. 22, 2010), ECF No. 2.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the Order discharging Joseph Pepitone from bankruptcy filed in *In re Pepitone*, Ch. 7 Case No. 8-10-72883-DTE (Bankr. E.D.N.Y. Aug. 12, 2010), ECF No. 20.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the Order of Discharge and Notice to Creditors filed in *In re Pepitone*, Ch. 7 Case No. 8-10-72883-DTE (Bankr. E.D.N.Y. Aug. 14, 2010), ECF No. 21.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the bankruptcy docket in *In re Pepitone*, Ch. 7 Case No. 8-10-72883-DTE (Bankr. E.D.N.Y., filed Apr. 22, 2010).

8. Attached hereto as **Exhibit 7** is a true and correct copy of the Final Decree closing Joseph Pepitone's bankruptcy proceeding filed in *In re Pepitone*, Ch. 7 Case No. 8-10-72883-DTE (Bankr. E.D.N.Y. July 18, 2011), ECF No. 22.

Dated: New York, New York
August 20, 2021

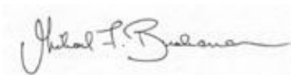


Michael F. Buchanan (Bar Roll #702975)

CERTIFICATE OF SERVICE

I, Michael F. Buchanan, hereby certify, pursuant to 28 U.S.C. § 1746, that on August 20, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel of record.

Dated: August 20, 2021
New York, New York

By: 

Michael F. Buchanan (Bar Roll #702975)

Exhibit 1

Exhibit 2

B1 (Official Form 1)(4/10)

**United States Bankruptcy Court
 Eastern District of New York**

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Pepitone, Joseph A.	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) xxx-xx-0055	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)
Street Address of Debtor (No. and Street, City, and State): [REDACTED] Massapequa, NY <div style="text-align: right; margin-top: 5px;">ZIP Code 11758</div>	Street Address of Joint Debtor (No. and Street, City, and State): <div style="text-align: right; margin-top: 5px;">ZIP Code</div>
County of Residence or of the Principal Place of Business: Nassau	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): <div style="text-align: right; margin-top: 5px;">ZIP Code</div>	Mailing Address of Joint Debtor (if different from street address): <div style="text-align: right; margin-top: 5px;">ZIP Code</div>

Location of Principal Assets of Business Debtor (if different from street address above):

Type of Debtor (Form of Organization) (Check one box) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other <hr/> Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box) <input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> Debts are primarily business debts.
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Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
--	--

Statistical/Administrative Information

Debtor estimates that funds will be available for distribution to unsecured creditors.
 Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1-49	50-99	100-199	200-999	1,000-5,000	5,001-10,000	10,001-25,000	25,001-50,000	50,001-100,000	OVER 100,000

Estimated Assets

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion

Estimated Liabilities

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion

THIS SPACE IS FOR COURT USE ONLY

Voluntary Petition <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): Pepitone, Joseph A.	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)			
Location Where Filed: - None -	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)			
Name of Debtor: - None -	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
<p style="text-align:center;">Exhibit A</p> <p>(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)</p> <p><input type="checkbox"/> Exhibit A is attached and made a part of this petition.</p>	<p style="text-align:center;">Exhibit B</p> <p>(To be completed if debtor is an individual whose debts are primarily consumer debts.)</p> <p>I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).</p> <p>X /s/ Robert L. Pryor April 22, 2010 Signature of Attorney for Debtor(s) (Date) Robert L. Pryor</p>		
Exhibit C			
Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?			
<input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No.			
Exhibit D			
(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)			
<input checked="" type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition.			
If this is a joint petition:			
<input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
Information Regarding the Debtor - Venue			
(Check any applicable box)			
<input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.			
<input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.			
<input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property			
(Check all applicable boxes)			
<input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)			
_____ (Name of landlord that obtained judgment)			
_____ (Address of landlord)			
<input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and			
<input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.			
<input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

Voluntary Petition
(This page must be completed and filed in every case)

Name of Debtor(s):
Pepitone, Joseph A.

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.
[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Joseph A. Pepitone
Signature of Debtor **Joseph A. Pepitone**

X _____
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

April 22, 2010
Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____
Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Attorney*

X /s/ Robert L. Pryor
Signature of Attorney for Debtor(s)

Robert L. Pryor
Printed Name of Attorney for Debtor(s)

Pryor & Mandelup, L.L.P.
Firm Name

675 Old Country Road
Westbury, NY 11590

Address

516-997-0999 Fax: 516-333-7333
Telephone Number

April 22, 2010
Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

Address

X _____
Date

Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

B 1D (Official Form 1, Exhibit D) (12/09)

**United States Bankruptcy Court
Eastern District of New York**

In re Joseph A. Pepitone

Debtor(s)

Case No. _____

Chapter 7

**EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH
CREDIT COUNSELING REQUIREMENT**

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.*

3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Summarize exigent circumstances here.]* _____

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

Active military duty in a military combat zone.

5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: /s/ Joseph A. Pepitone
Joseph A. Pepitone

Date: April 22, 2010

B6 Summary (Official Form 6 - Summary) (12/07)

**United States Bankruptcy Court
 Eastern District of New York**

In re Joseph A. Pepitone
 Debtor

Case No. _____

Chapter 7

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors must also complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	0.00		
B - Personal Property	Yes	3	81,450.00		
C - Property Claimed as Exempt	Yes	1			
D - Creditors Holding Secured Claims	Yes	2		89,007.94	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	Yes	1		0.00	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	2		41,181.15	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	Yes	1			4,742.90
J - Current Expenditures of Individual Debtor(s)	Yes	1			5,133.44
Total Number of Sheets of ALL Schedules		14			
Total Assets			81,450.00		
Total Liabilities				130,189.09	

**United States Bankruptcy Court
 Eastern District of New York**

In re Joseph A. Pepitone,
 Debtor

Case No. _____

Chapter 7

STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	0.00
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	0.00
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	0.00
Student Loan Obligations (from Schedule F)	0.00
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	0.00
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	0.00
TOTAL	0.00

State the following:

Average Income (from Schedule I, Line 16)	4,742.90
Average Expenses (from Schedule J, Line 18)	5,133.44
Current Monthly Income (from Form 22A Line 12; OR, Form 22B Line 11; OR, Form 22C Line 20)	3,515.63

State the following:

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column		16,357.94
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column	0.00	
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		0.00
4. Total from Schedule F		41,181.15
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)		57,539.09

B6A (Official Form 6A) (12/07)

In re Joseph A. Pepitone Case No. _____
 Debtor

SCHEDULE A - REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim." If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
None		-	0.00	0.00

Sub-Total > **0.00** (Total of this page)
 Total > **0.00**
 (Report also on Summary of Schedules)

0 continuation sheets attached to the Schedule of Real Property

B6B (Official Form 6B) (12/07)

In re Joseph A. Pepitone Case No. _____
 Debtor

SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petitioner is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m).

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1. Cash on hand		cash on hand	-	50.00
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Citibank NA 2261 Broadhollow Road East Farmingdale, NY 11735	-	500.00
3. Security deposits with public utilities, telephone companies, landlords, and others.		James Nolan - Landlord	-	5,400.00
4. Household goods and furnishings, including audio, video, and computer equipment.		Misc.	-	2,000.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.		Compact Discs	-	100.00
6. Wearing apparel.	X			
7. Furs and jewelry.		Misc. Jewelry	-	250.00
8. Firearms and sports, photographic, and other hobby equipment.		3 Rifles	-	400.00
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issuer.	X			
			Sub-Total >	8,700.00
			(Total of this page)	

2 continuation sheets attached to the Schedule of Personal Property

B6B (Official Form 6B) (12/07) - Cont.

In re Joseph A. Pepitone Case No. _____
 Debtor

SCHEDULE B - PERSONAL PROPERTY
 (Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.	X			
13. Stock and interests in incorporated and unincorporated businesses. Itemize.		J.P. #25 Promotions, Inc.	-	0.00
14. Interests in partnerships or joint ventures. Itemize.	X			
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
16. Accounts receivable.	X			
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.	X			
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			

Sub-Total > **0.00**
 (Total of this page)

Sheet 1 of 2 continuation sheets attached to the Schedule of Personal Property

B6B (Official Form 6B) (12/07) - Cont.

In re Joseph A. Pepitone Case No. _____
 Debtor

SCHEDULE B - PERSONAL PROPERTY
 (Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		2003 Ford Expedition	-	8,150.00
		2003 Lincoln Town Car	-	6,500.00
		27' Sea Ray	-	35,000.00
26. Boats, motors, and accessories.		22' Triton Fishing Boat	-	15,000.00
		2008 Kawasaki Jet Ski	-	8,000.00
27. Aircraft and accessories.	X			
28. Office equipment, furnishings, and supplies.		Computer Desk	-	100.00
29. Machinery, fixtures, equipment, and supplies used in business.	X			
30. Inventory.	X			
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			

Sub-Total > **72,750.00**
 (Total of this page)
 Total > **81,450.00**

Sheet 2 of 2 continuation sheets attached to the Schedule of Personal Property

(Report also on Summary of Schedules)

B6C (Official Form 6C) (4/10)

In re Joseph A. Pepitone Case No. _____
 Debtor

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under:

(Check one box)

- 11 U.S.C. §522(b)(2)
- 11 U.S.C. §522(b)(3)

Check if debtor claims a homestead exemption that exceeds \$146,450. (Amount subject to adjustment on 4/1/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
Cash on Hand cash on hand	Debtor & Creditor Law § 283(2)	50.00	50.00
Security Deposits with Utilities, Landlords, and Others James Nolan - Landlord	NYCPLR § 5205(g)	5,400.00	5,400.00
Household Goods and Furnishings Misc.	NYCPLR § 5205(a)(5)	2,000.00	2,000.00
Books, Pictures and Other Art Objects; Collectibles Compact Discs	NYCPLR § 5205(a)(2)	100.00	100.00
Furs and Jewelry Misc. Jewelry	NYCPLR § 5205(a)(6)	250.00	250.00
Firearms and Sports, Photographic and Other Hobby Equipment 3 Rifles	NYCPLR § 5205(a); NY CLS Dr & Cr § 283	400.00	400.00
Boats, Motors and Accessories 2008 Kawasaki Jet Ski	NYCPLR § 5205(a); NY CLS Dr & Cr § 283	0.00	8,000.00
Office Equipment, Furnishings and Supplies Computer Desk	NYCPLR § 5205(a)(7)	100.00	100.00

Total: **8,300.00** **16,300.00**

0 continuation sheets attached to Schedule of Property Claimed as Exempt

B6D (Official Form 6D) (12/07)

In re Joseph A. Pepitone

Case No. _____

Debtor

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R H W J C	Husband, Wife, Joint, or Community			C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
		DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN							
Account No. [REDACTED] 0490 Ford Motor Credit PO Box 31111 Tampa, FL 33631	-	2003	auto loan	2003 Lincoln Town Car				7,573.22	1,073.22
		Value \$	6,500.00						
Account No. [REDACTED] HSBC Retail Services PO Box 17602 Baltimore, MD 21297-1602	-	2008	Jet Ski Loan	2008 Kawasaki Jet Ski				8,487.71	487.71
		Value \$	8,000.00						
Account No. [REDACTED] 3133 KeyBank PO Box 5788 Suite D Cleveland, OH 44101-0788	-	Boat Loan	27' Sea Ray					39,000.00	4,000.00
		Value \$	35,000.00						
Account No. [REDACTED] 4434 KeyBank PO Box 5788 Suite D Cleveland, OH 44101-0788	X -	Boat Loan	22' Triton Fishing Boat					23,295.01	8,295.01
		Value \$	15,000.00						
Subtotal (Total of this page)								78,355.94	13,855.94

1 continuation sheets attached

B6D (Official Form 6D) (12/07) - Cont.

In re Joseph A. Pepitone,
 Debtor

Case No. _____

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS
 (Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
		H W J C					
Account No. [REDACTED] 0001							
M&T Bank 1 Fountain Plaza Buffalo, NY 14203		-					
			Value \$			10,652.00	2,502.00
Account No.							
			Value \$				
Account No.							
			Value \$				
Account No.							
			Value \$				
Subtotal (Total of this page)						10,652.00	2,502.00
Total (Report on Summary of Schedules)						89,007.94	16,357.94

Sheet 1 of 1 continuation sheets attached to
 Schedule of Creditors Holding Secured Claims

In re Joseph A. Pepitone

Case No. _____

Debtor

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. Use a separate continuation sheet for each type of priority and label each with the type of priority.

The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m).

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Report the total of amounts entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Report the total of amounts not entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts not entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

Domestic support obligations

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

Extensions of credit in an involuntary case

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3).

Wages, salaries, and commissions

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$11,725* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

Contributions to employee benefit plans

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).

Certain farmers and fishermen

Claims of certain farmers and fishermen, up to \$5,775* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

Deposits by individuals

Claims of individuals up to \$2,600* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).

Taxes and certain other debts owed to governmental units

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

Commitments to maintain the capital of an insured depository institution

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

Claims for death or personal injury while debtor was intoxicated

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

* Amount subject to adjustment on 4/01/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

0 continuation sheets attached

B6F (Official Form 6F) (12/07)

In re Joseph A. Pepitone Case No. _____
 Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	Husband, Wife, Joint, or Community		C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		H W J C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No. [REDACTED] 7520 Capital One PO Box 71083 El Paso, TX 79998			2009 credit card				3,531.04
Account No. Chase P O Box 15298 Wilmington, DE 19850-5298			2004-2009 credit card				19,479.00
Account No. Eaglemark Savings Bank PO Box 22048 Carson City, NV 89721-2048			2009 2009 Harley Davidson				3,931.03
Account No. [REDACTED] 7120 GE Money PO Box 981127 Mason, OH 45040			2008 credit card				5,538.94
Subtotal (Total of this page)							32,480.01

1 continuation sheets attached

B6F (Official Form 6F) (12/07) - Cont.

In re Joseph A. Pepitone, Debtor Case No. _____

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
 (Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R	Husband, Wife, Joint, or Community			A M O U N T O F C L A I M
		H W J C	D A T E C L A I M W A S I N C U R R E D A N D C O N S I D E R A T I O N F O R C L A I M. I F C L A I M I S S U B J E C T T O S E T O F F, S O S T A T E.	C O N T I N G E N T	
Account No. [REDACTED] 69 KeySpan c/o Allied Account Services, Inc. 422 Bedford Avenue Bellmore, NY 11710-3564	-	2009 utility			2,933.33
Account No. [REDACTED] 5720 Macy's 9111 Duke Blvd. Houston, TX 77020	-	2008-09 credit card			146.44
Account No. [REDACTED] 57 Macy's c/o United Collection Bureau 5620 Southwyck Blvd., Suite 2006 Toledo, OH 43614	-	2009 credit card			1,210.28
Account No. [REDACTED] -8851 Macy's c/o United Recovery Systems 5800 North Course Drive Houston, TX 77272-2929	-	2004-09 credit card			4,411.09
Account No. _____ 					

Sheet no. 1 of 1 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal
(Total of this page) **8,701.14**

Total
(Report on Summary of Schedules) **41,181.15**

B6G (Official Form 6G) (12/07)

In re Joseph A. Pepitone, Case No. _____
Debtor

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code, of Other Parties to Lease or Contract	Description of Contract or Lease and Nature of Debtor's Interest. State whether lease is for nonresidential real property. State contract number of any government contract.
Jim Nolan and Lisa Nolan [REDACTED] Merrick, NY 11566	Lease for Premises: [REDACTED] Massapequa, NY 11758 2 yr. lease, \$2,700/mo., commenced 7/15/2009

B6H (Official Form 6H) (12/07)

In re Joseph A. Pepitone
Debtor

Case No. _____

SCHEDULE H - CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the eight year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state, commonwealth, or territory. Include all names used by the nondebtor spouse during the eight years immediately preceding the commencement of this case. If a minor child is a codebtor or a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR
Stephanie Pepitone [REDACTED] Kansas City, MO 64110	KeyBank PO Box 5788 Suite D Cleveland, OH 44101-0788

0

_____ continuation sheets attached to Schedule of Codebtors

B6I (Official Form 6I) (12/07)

In re **Joseph A. Pepitone**

Case No. _____

Debtor(s)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status: Separated	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S): None.	AGE(S):
Employment:	DEBTOR	SPOUSE
Occupation		
Name of Employer	J.P. #25 Promotions, Inc.	
How long employed		
Address of Employer	Massapequa, NY 11758	

INCOME: (Estimate of average or projected monthly income at time case filed)	DEBTOR	SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)	\$ <u>0.00</u>	\$ <u>N/A</u>
2. Estimate monthly overtime	\$ <u>0.00</u>	\$ <u>N/A</u>
3. SUBTOTAL	\$ <u>0.00</u>	\$ <u>N/A</u>
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	\$ <u>0.00</u>	\$ <u>N/A</u>
b. Insurance	\$ <u>0.00</u>	\$ <u>N/A</u>
c. Union dues	\$ <u>0.00</u>	\$ <u>N/A</u>
d. Other (Specify): _____	\$ <u>0.00</u>	\$ <u>N/A</u>
5. SUBTOTAL OF PAYROLL DEDUCTIONS	\$ <u>0.00</u>	\$ <u>N/A</u>
6. TOTAL NET MONTHLY TAKE HOME PAY	\$ <u>0.00</u>	\$ <u>N/A</u>
7. Regular income from operation of business or profession or farm (Attach detailed statement)	\$ <u>0.00</u>	\$ <u>N/A</u>
8. Income from real property	\$ <u>0.00</u>	\$ <u>N/A</u>
9. Interest and dividends	\$ <u>0.00</u>	\$ <u>N/A</u>
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	\$ <u>0.00</u>	\$ <u>N/A</u>
11. Social security or government assistance (Specify): <u>Social Security</u>	\$ <u>1,526.00</u>	\$ <u>N/A</u>
12. Pension or retirement income	\$ <u>0.00</u>	\$ <u>N/A</u>
13. Other monthly income (Specify): <u>Pension</u>	\$ <u>681.37</u>	\$ <u>N/A</u>
	\$ <u>0.00</u>	\$ <u>N/A</u>
14. SUBTOTAL OF LINES 7 THROUGH 13	\$ <u>4,742.90</u>	\$ <u>N/A</u>
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	\$ <u>4,742.90</u>	\$ <u>N/A</u>
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)	\$ <u>4,742.90</u>	

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

B6J (Official Form 6J) (12/07)

In re Joseph A. Pepitone

Case No. _____

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)		\$	<u>1,350.00</u>
a. Are real estate taxes included?	Yes <u> </u> No <u>X</u>		
b. Is property insurance included?	Yes <u> </u> No <u>X</u>		
2. Utilities:		\$	<u>245.00</u>
a. Electricity and heating fuel		\$	<u>0.00</u>
b. Water and sewer		\$	<u>125.00</u>
c. Telephone		\$	<u>100.00</u>
d. Other <u>Cable and Internet</u>		\$	<u>0.00</u>
3. Home maintenance (repairs and upkeep)		\$	<u>860.00</u>
4. Food		\$	<u>300.00</u>
5. Clothing		\$	<u>150.00</u>
6. Laundry and dry cleaning		\$	<u>100.00</u>
7. Medical and dental expenses		\$	<u>500.00</u>
8. Transportation (not including car payments)		\$	<u>100.00</u>
9. Recreation, clubs and entertainment, newspapers, magazines, etc.		\$	<u>0.00</u>
10. Charitable contributions		\$	<u>0.00</u>
11. Insurance (not deducted from wages or included in home mortgage payments)		\$	<u>0.00</u>
a. Homeowner's or renter's		\$	<u>0.00</u>
b. Life		\$	<u>0.00</u>
c. Health		\$	<u>244.00</u>
d. Auto		\$	<u>0.00</u>
e. Other		\$	<u>0.00</u>
12. Taxes (not deducted from wages or included in home mortgage payments)		\$	<u>0.00</u>
(Specify)		\$	<u>0.00</u>
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		\$	<u>700.44</u>
a. Auto		\$	<u>270.00</u>
b. Other <u>Boat</u>		\$	<u>89.00</u>
c. Other <u>Jet Ski</u>		\$	<u>0.00</u>
14. Alimony, maintenance, and support paid to others		\$	<u>0.00</u>
15. Payments for support of additional dependents not living at your home		\$	<u>0.00</u>
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)		\$	<u>0.00</u>
17. Other		\$	<u>0.00</u>
Other		\$	<u>0.00</u>
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)		\$	<u>5,133.44</u>
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:			
20. STATEMENT OF MONTHLY NET INCOME			
a. Average monthly income from Line 15 of Schedule I		\$	<u>4,742.90</u>
b. Average monthly expenses from Line 18 above		\$	<u>5,133.44</u>
c. Monthly net income (a. minus b.)		\$	<u>-390.54</u>

B6 Declaration (Official Form 6 - Declaration). (12/07)

**United States Bankruptcy Court
Eastern District of New York**

In re Joseph A. Pepitone

Debtor(s)

Case No. _____

Chapter 7

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 16 sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date April 22, 2010

Signature /s/ Joseph A. Pepitone

Joseph A. Pepitone

Debtor

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.

B7 (Official Form 7) (04/10)

**United States Bankruptcy Court
Eastern District of New York**

In re **Joseph A. Pepitone**

Debtor(s)

Case No.

Chapter **7**

STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs. To indicate payments, transfers and the like to minor children, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

Questions 1 - 18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19 - 25. **If the answer to an applicable question is "None," mark the box labeled "None."** If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

DEFINITIONS

"In business." A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed full-time or part-time. An individual debtor also may be "in business" for the purpose of this form if the debtor engages in a trade, business, or other activity, other than as an employee, to supplement income from the debtor's primary employment.

"Insider." The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any owner of 5 percent or more of the voting or equity securities of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101.

I. Income from employment or operation of business

None

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business, including part-time activities either as an employee or in independent trade or business, from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the **two years** immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE
\$0.00	2008 Net Business
\$0.00	2009 Net Business
\$0.00	2010 YTD Net Business

2. Income other than from employment or operation of business

None State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the **two years** immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE
\$52,965.00	2009: Social Security and Pension
\$48,029.00	2008: Social Security and Pension
\$18,971.60	2010: Social Security and Pension

3. Payments to creditors

None **Complete a. or b., as appropriate, and c.**

a. *Individual or joint debtor(s) with primarily consumer debts.* List all payments on loans, installment purchases of goods or services, and other debts to any creditor made within **90 days** immediately preceding the commencement of this case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$600. Indicate with an (*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
------------------------------	-------------------	-------------	--------------------

None b. *Debtor whose debts are not primarily consumer debts:* List each payment or other transfer to any creditor made within **90 days** immediately preceding the commencement of the case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$5,850*. If the debtor is an individual, indicate with an asterisk (*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments and other transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS/ TRANSFERS	AMOUNT PAID OR VALUE OF TRANSFERS	AMOUNT STILL OWING
------------------------------	---------------------------------	---	--------------------

None c. *All debtors:* List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR	DATE OF PAYMENT	AMOUNT PAID	AMOUNT STILL OWING
Vincent Pepitone Malverne, NY	July 2009	\$2,000.00	\$0.00

4. Suits and administrative proceedings, executions, garnishments and attachments

None a. List all suits and administrative proceedings to which the debtor is or was a party within **one year** immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDING	COURT OR AGENCY AND LOCATION	STATUS OR DISPOSITION
------------------------------------	----------------------	---------------------------------	--------------------------

None b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

* Amount subject to adjustment on 4/01/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY
---	-----------------	--------------------------------------

5. Repossessions, foreclosures and returns

None List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION, FORECLOSURE SALE, TRANSFER OR RETURN	DESCRIPTION AND VALUE OF PROPERTY
Eaglemark Savings Bank PO Box 22048 Carson City, NV 89721-2048	March 2010	2009 Harley Davidson

6. Assignments and receiverships

None a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT
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None b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CUSTODIAN	NAME AND LOCATION OF COURT CASE TITLE & NUMBER	DATE OF ORDER	DESCRIPTION AND VALUE OF PROPERTY
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7. Gifts

None List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
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8. Losses

None List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case **or since the commencement of this case**. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS
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9. Payments related to debt counseling or bankruptcy

None List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of the petition in bankruptcy within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYOR IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
Pryor & Mandelup 675 Old Country Road Westbury, NY 11590-4513	See 2016(b) Statement	

10. Other transfers

None a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **two years** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED
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None b. List all property transferred by the debtor within **ten years** immediately preceding the commencement of this case to a self-settled trust or similar device of which the debtor is a beneficiary.

NAME OF TRUST OR OTHER DEVICE	DATE(S) OF TRANSFER(S)	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY OR DEBTOR'S INTEREST IN PROPERTY
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11. Closed financial accounts

None List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER, AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING
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12. Safe deposit boxes

None List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY
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13. Setoffs

None List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF
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14. Property held for another person

None List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER DESCRIPTION AND VALUE OF PROPERTY LOCATION OF PROPERTY

15. Prior address of debtor

None If the debtor has moved within **three years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS	NAME USED	DATES OF OCCUPANCY
██████████, Massapequa, NY	Joseph A. Pepitone	9/06 - 7/09

16. Spouses and Former Spouses

None If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within **eight years** immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME

17. Environmental Information.

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law

None a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS OF GOVERNMENTAL UNIT	DOCKET NUMBER	STATUS OR DISPOSITION
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NAME AND ADDRESS

DATE ISSUED

20. Inventories

None a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

DATE OF INVENTORY	INVENTORY SUPERVISOR	DOLLAR AMOUNT OF INVENTORY (Specify cost, market or other basis)
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None b. List the name and address of the person having possession of the records of each of the two inventories reported in a., above.

DATE OF INVENTORY	NAME AND ADDRESSES OF CUSTODIAN OF INVENTORY RECORDS
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21 . Current Partners, Officers, Directors and Shareholders

None a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

NAME AND ADDRESS	NATURE OF INTEREST	PERCENTAGE OF INTEREST
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None b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting or equity securities of the corporation.

NAME AND ADDRESS	TITLE	NATURE AND PERCENTAGE OF STOCK OWNERSHIP
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22 . Former partners, officers, directors and shareholders

None a. If the debtor is a partnership, list each member who withdrew from the partnership within **one year** immediately preceding the commencement of this case.

NAME	ADDRESS	DATE OF WITHDRAWAL
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None b. If the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS	TITLE	DATE OF TERMINATION
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23 . Withdrawals from a partnership or distributions by a corporation

None If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during **one year** immediately preceding the commencement of this case.

NAME & ADDRESS OF RECIPIENT, RELATIONSHIP TO DEBTOR	DATE AND PURPOSE OF WITHDRAWAL	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
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24. Tax Consolidation Group.

None If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within **six years** immediately preceding the commencement of the case.

NAME OF PARENT CORPORATION	TAXPAYER IDENTIFICATION NUMBER (EIN)
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25. Pension Funds.

None If the debtor is not an individual, list the name and federal taxpayer-identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within **six years** immediately preceding the commencement of the case.

NAME OF PENSION FUND

TAXPAYER IDENTIFICATION NUMBER (EIN)

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date April 22, 2010

Signature /s/ Joseph A. Pepitone
Joseph A. Pepitone
Debtor

Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571

B8 (Form 8) (12/08)

**United States Bankruptcy Court
Eastern District of New York**

In re Joseph A. Pepitone

Debtor(s)

Case No. _____

Chapter 7

CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

PART A - Debts secured by property of the estate. (Part A must be fully completed for **EACH** debt which is secured by property of the estate. Attach additional pages if necessary.)

Property No. 1	
Creditor's Name: Ford Motor Credit	Describe Property Securing Debt: 2003 Lincoln Town Car
Property will be (check one): <input checked="" type="checkbox"/> Surrendered <input type="checkbox"/> Retained	
If retaining the property, I intend to (check at least one): <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is (check one): <input checked="" type="checkbox"/> Claimed as Exempt <input type="checkbox"/> Not claimed as exempt	

Property No. 2	
Creditor's Name: HSBC Retail Services	Describe Property Securing Debt: 2008 Kawasaki Jet Ski
Property will be (check one): <input type="checkbox"/> Surrendered <input checked="" type="checkbox"/> Retained	
If retaining the property, I intend to (check at least one): <input type="checkbox"/> Redeem the property <input checked="" type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is (check one): <input checked="" type="checkbox"/> Claimed as Exempt <input type="checkbox"/> Not claimed as exempt	

Property No. 3	
Creditor's Name: KeyBank	Describe Property Securing Debt: 27' Sea Ray
Property will be (check one): <input checked="" type="checkbox"/> Surrendered <input type="checkbox"/> Retained	
If retaining the property, I intend to (check at least one): <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is (check one): <input type="checkbox"/> Claimed as Exempt <input checked="" type="checkbox"/> Not claimed as exempt	

Property No. 4	
Creditor's Name: KeyBank	Describe Property Securing Debt: 22' Triton Fishing Boat
Property will be (check one): <input type="checkbox"/> Surrendered <input checked="" type="checkbox"/> Retained	
If retaining the property, I intend to (check at least one): <input type="checkbox"/> Redeem the property <input checked="" type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is (check one): <input checked="" type="checkbox"/> Claimed as Exempt <input type="checkbox"/> Not claimed as exempt	

Property No. 5	
Creditor's Name: M&T Bank	Describe Property Securing Debt: 2003 Ford Expedition
Property will be (check one): <input type="checkbox"/> Surrendered <input checked="" type="checkbox"/> Retained	
If retaining the property, I intend to (check at least one): <input type="checkbox"/> Redeem the property <input checked="" type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is (check one): <input checked="" type="checkbox"/> Claimed as Exempt <input type="checkbox"/> Not claimed as exempt	

PART B - Personal property subject to unexpired leases. (All three columns of Part B must be completed for each unexpired lease. Attach additional pages if necessary.)

Property No. 1		
Lessor's Name: -NONE-	Describe Leased Property:	Lease will be Assumed pursuant to 11 U.S.C. § 365(p)(2): <input type="checkbox"/> YES <input type="checkbox"/> NO

I declare under penalty of perjury that the above indicates my intention as to any property of my estate securing a debt and/or personal property subject to an unexpired lease.

Date April 22, 2010

Signature /s/ Joseph A. Pepitone
Joseph A. Pepitone
 Debtor

**United States Bankruptcy Court
Eastern District of New York**

In re Joseph A. Pepitone

Debtor(s)

Case No. _____

Chapter 7

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$	<u>2,850.00</u>
Prior to the filing of this statement I have received	\$	<u>2,850.00</u>
Balance Due	\$	<u>0.00</u>

2. \$ 0.00 of the filing fee has been paid.

3. The source of the compensation paid to me was:

Debtor Other (specify):

4. The source of compensation to be paid to me is:

Debtor Other (specify):

5. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d. Representation of the debtor in adversary proceedings and other contested bankruptcy matters;
- e. [Other provisions as needed]

All services billable on regular customary hourly basis.

7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

N/A.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

Dated: April 22, 2010

/s/ Robert L. Pryor

**Robert L. Pryor
Pryor & Mandelup, L.L.P.
675 Old Country Road
Westbury, NY 11590
516-997-0999 Fax: 516-333-7333**

**United States Bankruptcy Court
Eastern District of New York**

In re Joseph A. Pepitone

Debtor(s)

Case No. _____

Chapter 7

VERIFICATION OF CREDITOR MATRIX

The above named debtor(s) or attorney for the debtor(s) hereby verify that the attached matrix (list of creditors) is true and correct to the best of their knowledge.

Date: April 22, 2010

/s/ Joseph A. Pepitone

Joseph A. Pepitone

Signature of Debtor

Date: April 22, 2010

/s/ Robert L. Pryor

Signature of Attorney

Robert L. Pryor

Pryor & Mandelup, L.L.P.

675 Old Country Road

Westbury, NY 11590

516-997-0999 Fax: 516-333-7333

Capital One
PO Box 71083
El Paso, TX 79998

Chase
P O Box 15298
Wilmington, DE 19850-5298

Eaglemark Savings Bank
PO Box 22048
Carson City, NV 89721-2048

Ford Motor Credit
PO Box 31111
Tampa, FL 33631

GE Money
PO Box 981127
Mason, OH 45040

HSBC Retail Services
PO Box 17602
Baltimore, MD 21297-1602

Jim Nolan and Lisa Nolan
[REDACTED]
Merrick, NY 11566

KeyBank
PO Box 5788
Suite D
Cleveland, OH 44101-0788

KeySpan
c/o Allied Account Services, Inc.
422 Bedford Avenue
Bellmore, NY 11710-3564

M&T Bank
1 Fountain Plaza
Buffalo, NY 14203

Macy's
9111 Duke Blvd.
Houston, TX 77020

Macy's
c/o United Collection Bureau
5620 Southwyck Blvd., Suite 2006
Toledo, OH 43614

Macy's c/o United Recovery Systems
5800 North Course Drive
Houston, TX 77272-2929

Stephanie Pepitone
[REDACTED]
Kansas City, MO 64110

B22A (Official Form 22A) (Chapter 7) (04/10)

In re Joseph A. Pepitone
 Debtor(s)
 Case Number: _____
 (If known)

According to the information required to be entered on this statement (check one box as directed in Part I, III, or VI of this statement): <input type="checkbox"/> The presumption arises. <input checked="" type="checkbox"/> The presumption does not arise. <input type="checkbox"/> The presumption is temporarily inapplicable.

CHAPTER 7 STATEMENT OF CURRENT MONTHLY INCOME AND MEANS-TEST CALCULATION

In addition to Schedules I and J, this statement must be completed by every individual chapter 7 debtor, whether or not filing jointly. Unless the exclusion in Line 1C applies, joint debtors may complete a single statement. If the exclusion in Line 1C applies, each joint filer must complete a separate statement.

Part I. MILITARY AND NON-CONSUMER DEBTORS	
1A	<p>Disabled Veterans. If you are a disabled veteran described in the Declaration in this Part IA, (1) check the box at the beginning of the Declaration, (2) check the box for "The presumption does not arise" at the top of this statement, and (3) complete the verification in Part VIII. Do not complete any of the remaining parts of this statement.</p> <p><input type="checkbox"/> Declaration of Disabled Veteran. By checking this box, I declare under penalty of perjury that I am a disabled veteran (as defined in 38 U.S.C. § 3741(1)) whose indebtedness occurred primarily during a period in which I was on active duty (as defined in 10 U.S.C. § 101(d)(1)) or while I was performing a homeland defense activity (as defined in 32 U.S.C. § 901(1)).</p>
1B	<p>Non-consumer Debtors. If your debts are not primarily consumer debts, check the box below and complete the verification in Part VIII. Do not complete any of the remaining parts of this statement.</p> <p><input type="checkbox"/> Declaration of non-consumer debts. By checking this box, I declare that my debts are not primarily consumer debts.</p>
1C	<p>Reservists and National Guard Members; active duty or homeland defense activity. Members of a reserve component of the Armed Forces and members of the National Guard who were called to active duty (as defined in 10 U.S.C. § 101(d)(1)) after September 11, 2001, for a period of at least 90 days, or who have performed homeland defense activity (as defined in 32 U.S.C. § 901(1)) for a period of at least 90 days, are excluded from all forms of means testing during the time of active duty or homeland defense activity and for 540 days thereafter (the "exclusion period"). If you qualify for this temporary exclusion, (1) check the appropriate boxes and complete any required information in the Declaration of Reservists and National Guard Members below, (2) check the box for "The presumption is temporarily inapplicable" at the top of this statement, and (3) complete the verification in Part VIII. During your exclusion period you are not required to complete the balance of this form, but you must complete the form no later than 14 days after the date on which your exclusion period ends, unless the time for filing a motion raising the means test presumption expires in your case before your exclusion period ends.</p> <p><input type="checkbox"/> Declaration of Reservists and National Guard Members. By checking this box and making the appropriate entries below, I declare that I am eligible for a temporary exclusion from means testing because, as a member of a reserve component of the Armed Forces or the National Guard</p> <p style="margin-left: 40px;">a. <input type="checkbox"/> I was called to active duty after September 11, 2001, for a period of at least 90 days and</p> <p style="margin-left: 80px;"><input type="checkbox"/> I remain on active duty /or/</p> <p style="margin-left: 80px;"><input type="checkbox"/> I was released from active duty on _____, which is less than 540 days before this bankruptcy case was filed;</p> <p style="margin-left: 40px; text-align: center;">OR</p> <p style="margin-left: 40px;">b. <input type="checkbox"/> I am performing homeland defense activity for a period of at least 90 days /or/</p> <p style="margin-left: 80px;"><input type="checkbox"/> I performed homeland defense activity for a period of at least 90 days, terminating on _____, which is less than 540 days before this bankruptcy case was filed.</p>

Part II. CALCULATION OF MONTHLY INCOME FOR § 707(b)(7) EXCLUSION																			
2	<p>Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input checked="" type="checkbox"/> Unmarried. Complete only Column A ("Debtor's Income") for Lines 3-11.</p> <p>b. <input type="checkbox"/> Married, not filing jointly, with declaration of separate households. By checking this box, debtor declares under penalty of perjury: "My spouse and I are legally separated under applicable non-bankruptcy law or my spouse and I are living apart other than for the purpose of evading the requirements of § 707(b)(2)(A) of the Bankruptcy Code." Complete only column A ("Debtor's Income") for Lines 3-11.</p> <p>c. <input type="checkbox"/> Married, not filing jointly, without the declaration of separate households set out in Line 2.b above. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 3-11.</p> <p>d. <input type="checkbox"/> Married, filing jointly. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 3-11.</p>																		
		Column A	Column B																
		Debtor's Income	Spouse's Income																
All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.																			
3	Gross wages, salary, tips, bonuses, overtime, commissions.	\$ 0.00	\$																
4	<p>Income from the operation of a business, profession or farm. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. If you operate more than one business, profession or farm, enter aggregate numbers and provide details on an attachment. Do not enter a number less than zero. Do not include any part of the business expenses entered on Line b as a deduction in Part V.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2"></th> <th style="text-align: center;">Debtor</th> <th style="text-align: center;">Spouse</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">a.</td> <td>Gross receipts</td> <td style="text-align: right;">\$ 0.00</td> <td style="text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Ordinary and necessary business expenses</td> <td style="text-align: right;">\$ 0.00</td> <td style="text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Business income</td> <td colspan="2" style="text-align: right;">Subtract Line b from Line a</td> </tr> </tbody> </table>			Debtor	Spouse	a.	Gross receipts	\$ 0.00	\$	b.	Ordinary and necessary business expenses	\$ 0.00	\$	c.	Business income	Subtract Line b from Line a		\$ 0.00	\$
		Debtor	Spouse																
a.	Gross receipts	\$ 0.00	\$																
b.	Ordinary and necessary business expenses	\$ 0.00	\$																
c.	Business income	Subtract Line b from Line a																	
5	<p>Rents and other real property income. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 5. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line b as a deduction in Part V.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2"></th> <th style="text-align: center;">Debtor</th> <th style="text-align: center;">Spouse</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">a.</td> <td>Gross receipts</td> <td style="text-align: right;">\$ 0.00</td> <td style="text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Ordinary and necessary operating expenses</td> <td style="text-align: right;">\$ 0.00</td> <td style="text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Rent and other real property income</td> <td colspan="2" style="text-align: right;">Subtract Line b from Line a</td> </tr> </tbody> </table>			Debtor	Spouse	a.	Gross receipts	\$ 0.00	\$	b.	Ordinary and necessary operating expenses	\$ 0.00	\$	c.	Rent and other real property income	Subtract Line b from Line a		\$ 0.00	\$
		Debtor	Spouse																
a.	Gross receipts	\$ 0.00	\$																
b.	Ordinary and necessary operating expenses	\$ 0.00	\$																
c.	Rent and other real property income	Subtract Line b from Line a																	
6	Interest, dividends, and royalties.	\$ 0.00	\$																
7	Pension and retirement income.	\$ 0.00	\$																
8	Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child support paid for that purpose. Do not include alimony or separate maintenance payments or amounts paid by your spouse if Column B is completed.	\$ 0.00	\$																
9	<p>Unemployment compensation. Enter the amount in the appropriate column(s) of Line 9. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 35%; text-align: right;">Debtor \$ 0.00</td> <td style="width: 35%; text-align: right;">Spouse \$</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ 0.00	Spouse \$	\$ 0.00	\$													
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ 0.00	Spouse \$																	
10	<p>Income from all other sources. Specify source and amount. If necessary, list additional sources on a separate page. Do not include alimony or separate maintenance payments paid by your spouse if Column B is completed, but include all other payments of alimony or separate maintenance. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2"></th> <th style="text-align: center;">Debtor</th> <th style="text-align: center;">Spouse</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">a.</td> <td>Pension</td> <td style="text-align: right;">\$ 3,515.63</td> <td style="text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td></td> <td style="text-align: right;">\$</td> <td style="text-align: right;">\$</td> </tr> </tbody> </table> <p>Total and enter on Line 10</p>			Debtor	Spouse	a.	Pension	\$ 3,515.63	\$	b.		\$	\$	\$ 3,515.63	\$				
		Debtor	Spouse																
a.	Pension	\$ 3,515.63	\$																
b.		\$	\$																
11	Subtotal of Current Monthly Income for § 707(b)(7). Add Lines 3 thru 10 in Column A, and, if Column B is completed, add Lines 3 through 10 in Column B. Enter the total(s).	\$ 3,515.63	\$																

12	Total Current Monthly Income for § 707(b)(7). If Column B has been completed, add Line 11, Column A to Line 11, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 11, Column A.	\$	3,515.63
Part III. APPLICATION OF § 707(b)(7) EXCLUSION			
13	Annualized Current Monthly Income for § 707(b)(7). Multiply the amount from Line 12 by the number 12 and enter the result.	\$	42,187.56
14	Applicable median family income. Enter the median family income for the applicable state and household size. (This information is available by family size at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) a. Enter debtor's state of residence: <u>NY</u> b. Enter debtor's household size: <u>1</u>	\$	46,320.00
15	Application of Section 707(b)(7). Check the applicable box and proceed as directed. <input checked="" type="checkbox"/> The amount on Line 13 is less than or equal to the amount on Line 14. Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete Part VIII; do not complete Parts IV, V, VI or VII. <input type="checkbox"/> The amount on Line 13 is more than the amount on Line 14. Complete the remaining parts of this statement.		

Complete Parts IV, V, VI, and VII of this statement only if required. (See Line 15.)

Part IV. CALCULATION OF CURRENT MONTHLY INCOME FOR § 707(b)(2)			
16	Enter the amount from Line 12.		\$
17	Marital adjustment. If you checked the box at Line 2.c, enter on Line 17 the total of any income listed in Line 11, Column B that was NOT paid on a regular basis for the household expenses of the debtor or the debtor's dependents. Specify in the lines below the basis for excluding the Column B income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If you did not check box at Line 2.c, enter zero.		\$
	a.		\$
	b.		\$
	c.		\$
	d.		\$
	Total and enter on Line 17		\$
18	Current monthly income for § 707(b)(2). Subtract Line 17 from Line 16 and enter the result.		\$

Part V. CALCULATION OF DEDUCTIONS FROM INCOME

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

19A	National Standards: food, clothing and other items. Enter in Line 19A the "Total" amount from IRS National Standards for Food, Clothing and Other Items for the applicable household size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)		\$																								
19B	National Standards: health care. Enter in Line a1 below the amount from IRS National Standards for Out-of-Pocket Health Care for persons under 65 years of age, and in Line a2 the IRS National Standards for Out-of-Pocket Health Care for persons 65 years of age or older. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) Enter in Line b1 the number of members of your household who are under 65 years of age, and enter in Line b2 the number of members of your household who are 65 years of age or older. (The total number of household members must be the same as the number stated in Line 14b.) Multiply Line a1 by Line b1 to obtain a total amount for household members under 65, and enter the result in Line c1. Multiply Line a2 by Line b2 to obtain a total amount for household members 65 and older, and enter the result in Line c2. Add Lines c1 and c2 to obtain a total health care amount, and enter the result in Line 19B.		\$																								
	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align:left;">Household members under 65 years of age</th> <th colspan="3" style="text-align:left;">Household members 65 years of age or older</th> </tr> </thead> <tbody> <tr> <td style="width:5%;">a1.</td> <td style="width:40%;">Allowance per member</td> <td style="width:35%;"></td> <td style="width:5%;">a2.</td> <td style="width:40%;">Allowance per member</td> <td style="width:35%;"></td> </tr> <tr> <td>b1.</td> <td>Number of members</td> <td></td> <td>b2.</td> <td>Number of members</td> <td></td> </tr> <tr> <td>c1.</td> <td>Subtotal</td> <td></td> <td>c2.</td> <td>Subtotal</td> <td></td> </tr> </tbody> </table>		Household members under 65 years of age			Household members 65 years of age or older			a1.	Allowance per member		a2.	Allowance per member		b1.	Number of members		b2.	Number of members		c1.	Subtotal		c2.	Subtotal		\$
Household members under 65 years of age			Household members 65 years of age or older																								
a1.	Allowance per member		a2.	Allowance per member																							
b1.	Number of members		b2.	Number of members																							
c1.	Subtotal		c2.	Subtotal																							
20A	Local Standards: housing and utilities; non-mortgage expenses. Enter the amount of the IRS Housing and Utilities Standards; non-mortgage expenses for the applicable county and household size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court).		\$																								

20B	<p>Local Standards: housing and utilities; mortgage/rent expense. Enter, in Line a below, the amount of the IRS Housing and Utilities Standards; mortgage/rent expense for your county and household size (this information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter on Line b the total of the Average Monthly Payments for any debts secured by your home, as stated in Line 42; subtract Line b from Line a and enter the result in Line 20B. Do not enter an amount less than zero.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:65%;">IRS Housing and Utilities Standards; mortgage/rental expense</td> <td style="width:30%;">\$</td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42</td> <td>\$</td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Net mortgage/rental expense</td> <td>Subtract Line b from Line a.</td> </tr> </table>	a.	IRS Housing and Utilities Standards; mortgage/rental expense	\$	b.	Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42	\$	c.	Net mortgage/rental expense	Subtract Line b from Line a.	\$
a.	IRS Housing and Utilities Standards; mortgage/rental expense	\$									
b.	Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42	\$									
c.	Net mortgage/rental expense	Subtract Line b from Line a.									
21	<p>Local Standards: housing and utilities; adjustment. If you contend that the process set out in Lines 20A and 20B does not accurately compute the allowance to which you are entitled under the IRS Housing and Utilities Standards, enter any additional amount to which you contend you are entitled, and state the basis for your contention in the space below:</p> <hr/>	\$									
22A	<p>Local Standards: transportation; vehicle operation/public transportation expense. You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation. Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 8. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more. If you checked 0, enter on Line 22A the "Public Transportation" amount from IRS Local Standards: Transportation. If you checked 1 or 2 or more, enter on Line 22A the "Operating Costs" amount from IRS Local Standards: Transportation for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (These amounts are available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>	\$									
22B	<p>Local Standards: transportation; additional public transportation expense. If you pay the operating expenses for a vehicle and also use public transportation, and you contend that you are entitled to an additional deduction for you public transportation expenses, enter on Line 22B the "Public Transportation" amount from IRS Local Standards: Transportation. (This amount is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>	\$									
23	<p>Local Standards: transportation ownership/lease expense; Vehicle 1. Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.) <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more. Enter, in Line a below, the "Ownership Costs" for "One Car" from the IRS Local Standards: Transportation (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 42; subtract Line b from Line a and enter the result in Line 23. Do not enter an amount less than zero.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:65%;">IRS Transportation Standards, Ownership Costs</td> <td style="width:30%;">\$</td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42</td> <td>\$</td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Net ownership/lease expense for Vehicle 1</td> <td>Subtract Line b from Line a.</td> </tr> </table>	a.	IRS Transportation Standards, Ownership Costs	\$	b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42	\$	c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a.	\$
a.	IRS Transportation Standards, Ownership Costs	\$									
b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42	\$									
c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a.									
24	<p>Local Standards: transportation ownership/lease expense; Vehicle 2. Complete this Line only if you checked the "2 or more" Box in Line 23. Enter, in Line a below, the "Ownership Costs" for "One Car" from the IRS Local Standards: Transportation (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 42; subtract Line b from Line a and enter the result in Line 24. Do not enter an amount less than zero.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:65%;">IRS Transportation Standards, Ownership Costs</td> <td style="width:30%;">\$</td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42</td> <td>\$</td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Net ownership/lease expense for Vehicle 2</td> <td>Subtract Line b from Line a.</td> </tr> </table>	a.	IRS Transportation Standards, Ownership Costs	\$	b.	Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42	\$	c.	Net ownership/lease expense for Vehicle 2	Subtract Line b from Line a.	\$
a.	IRS Transportation Standards, Ownership Costs	\$									
b.	Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42	\$									
c.	Net ownership/lease expense for Vehicle 2	Subtract Line b from Line a.									
25	<p>Other Necessary Expenses: taxes. Enter the total average monthly expense that you actually incur for all federal, state and local taxes, other than real estate and sales taxes, such as income taxes, self employment taxes, social security taxes, and Medicare taxes. Do not include real estate or sales taxes.</p>	\$									
26	<p>Other Necessary Expenses: involuntary deductions for employment. Enter the total average monthly payroll deductions that are required for your employment, such as retirement contributions, union dues, and uniform costs. Do not include discretionary amounts, such as voluntary 401(k) contributions.</p>	\$									

27	Other Necessary Expenses: life insurance. Enter total average monthly premiums that you actually pay for term life insurance for yourself. Do not include premiums for insurance on your dependents, for whole life or for any other form of insurance.	\$									
28	Other Necessary Expenses: court-ordered payments. Enter the total monthly amount that you are required to pay pursuant to the order of a court or administrative agency, such as spousal or child support payments. Do not include payments on past due obligations included in Line 44.	\$									
29	Other Necessary Expenses: education for employment or for a physically or mentally challenged child. Enter the total average monthly amount that you actually expend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.	\$									
30	Other Necessary Expenses: childcare. Enter the total average monthly amount that you actually expend on childcare - such as baby-sitting, day care, nursery and preschool. Do not include other educational payments.	\$									
31	Other Necessary Expenses: health care. Enter the total average monthly amount that you actually expend on health care that is required for the health and welfare of yourself or your dependents, that is not reimbursed by insurance or paid by a health savings account, and that is in excess of the amount entered in Line 19B. Do not include payments for health insurance or health savings accounts listed in Line 34.	\$									
32	Other Necessary Expenses: telecommunication services. Enter the total average monthly amount that you actually pay for telecommunication services other than your basic home telephone and cell phone service - such as pagers, call waiting, caller id, special long distance, or internet service - to the extent necessary for your health and welfare or that of your dependents. Do not include any amount previously deducted.	\$									
33	Total Expenses Allowed under IRS Standards. Enter the total of Lines 19 through 32.	\$									
Subpart B: Additional Living Expense Deductions Note: Do not include any expenses that you have listed in Lines 19-32											
34	Health Insurance, Disability Insurance, and Health Savings Account Expenses. List the monthly expenses in the categories set out in lines a-c below that are reasonably necessary for yourself, your spouse, or your dependents. <table border="1" style="width:100%; margin-top: 10px;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:70%;">Health Insurance</td> <td style="width:25%; text-align:right;">\$</td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Disability Insurance</td> <td style="text-align:right;">\$</td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Health Savings Account</td> <td style="text-align:right;">\$</td> </tr> </table> <p>Total and enter on Line 34.</p> <p>If you do not actually expend this total amount, state your actual total average monthly expenditures in the space below: \$ _____</p>	a.	Health Insurance	\$	b.	Disability Insurance	\$	c.	Health Savings Account	\$	\$
a.	Health Insurance	\$									
b.	Disability Insurance	\$									
c.	Health Savings Account	\$									
35	Continued contributions to the care of household or family members. Enter the total average actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses.	\$									
36	Protection against family violence. Enter the total average reasonably necessary monthly expenses that you actually incurred to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law. The nature of these expenses is required to be kept confidential by the court.	\$									
37	Home energy costs. Enter the total average monthly amount, in excess of the allowance specified by IRS Local Standards for Housing and Utilities, that you actually expend for home energy costs. You must provide your case trustee with documentation of your actual expenses, and you must demonstrate that the additional amount claimed is reasonable and necessary.	\$									
38	Education expenses for dependent children less than 18. Enter the total average monthly expenses that you actually incur, not to exceed \$147.92* per child, for attendance at a private or public elementary or secondary school by your dependent children less than 18 years of age. You must provide your case trustee with documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.	\$									

* Amount subject to adjustment on 4/01/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

39	Additional food and clothing expense. Enter the total average monthly amount by which your food and clothing expenses exceed the combined allowances for food and clothing (apparel and services) in the IRS National Standards, not to exceed 5% of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) You must demonstrate that the additional amount claimed is reasonable and necessary.	\$
40	Continued charitable contributions. Enter the amount that you will continue to contribute in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)-(2).	\$
41	Total Additional Expense Deductions under § 707(b). Enter the total of Lines 34 through 40	\$

Subpart C: Deductions for Debt Payment

42	Future payments on secured claims. For each of your debts that is secured by an interest in property that you own, list the name of the creditor, identify the property securing the debt, and state the Average Monthly Payment, and check whether the payment includes taxes or insurance. The Average Monthly Payment is the total of all amounts scheduled as contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. If necessary, list additional entries on a separate page. Enter the total of the Average Monthly Payments on Line 42.				\$
	Name of Creditor	Property Securing the Debt	Average Monthly Payment	Does payment include taxes or insurance?	
	a.		\$	<input type="checkbox"/> yes <input type="checkbox"/> no	
	Total: Add Lines				\$

43	Other payments on secured claims. If any of debts listed in Line 42 are secured by your primary residence, a motor vehicle, or other property necessary for your support or the support of your dependents, you may include in your deduction 1/60th of any amount (the "cure amount") that you must pay the creditor in addition to the payments listed in Line 42, in order to maintain possession of the property. The cure amount would include any sums in default that must be paid in order to avoid repossession or foreclosure. List and total any such amounts in the following chart. If necessary, list additional entries on a separate page.				\$
	Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount		
	a.		\$		
	Total: Add Lines				\$

44	Payments on prepetition priority claims. Enter the total amount, divided by 60, of all priority claims, such as priority tax, child support and alimony claims, for which you were liable at the time of your bankruptcy filing. Do not include current obligations, such as those set out in Line 28.	\$
----	--	----

45	Chapter 13 administrative expenses. If you are eligible to file a case under Chapter 13, complete the following chart, multiply the amount in line a by the amount in line b, and enter the resulting administrative expense.				\$
	a.	Projected average monthly Chapter 13 plan payment.	\$		
	b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	x		
	c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b		\$

46	Total Deductions for Debt Payment. Enter the total of Lines 42 through 45.	\$
----	---	----

Subpart D: Total Deductions from Income

47	Total of all deductions allowed under § 707(b)(2). Enter the total of Lines 33, 41, and 46.	\$
----	--	----

Part VI. DETERMINATION OF § 707(b)(2) PRESUMPTION

48	Enter the amount from Line 18 (Current monthly income for § 707(b)(2))	\$
49	Enter the amount from Line 47 (Total of all deductions allowed under § 707(b)(2))	\$
50	Monthly disposable income under § 707(b)(2). Subtract Line 49 from Line 48 and enter the result.	\$
51	60-month disposable income under § 707(b)(2). Multiply the amount in Line 50 by the number 60 and enter the result.	\$

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

**STATEMENT PURSUANT TO LOCAL
BANKRUPTCY RULE 1073-2(b)**

DEBTOR(S): Joseph A. Pepitone **CASE NO.:** _____

Pursuant to Local Bankruptcy Rule 1073-2(b), the debtor (*or any other petitioner*) hereby makes the following disclosure concerning Related Cases, to the petitioner's best knowledge, information and belief:

[NOTE: Cases shall be deemed "Related Cases" for purposes of E.D.N.Y. LBR 1073-1 and E.D.N.Y. LBR 1073-2 if the earlier case was pending at any time within eight years before the filing of the new petition, and the debtors in such cases: (i) are the same; (ii) are spouses or ex-spouses; (iii) are affiliates, as defined in 11 U.S.C. § 101(2); (iv) are general partners in the same partnership; (v) are a partnership and one or more of its general partners; (vi) are partnerships which share one or more common general partners; or (vii) have, or within 180 days of the commencement of either of the Related Cases had, an interest in property that was or is included in the property of another estate under 11 U.S.C. § 541(a).]

NO RELATED CASE IS PENDING OR HAS BEEN PENDING AT ANY TIME.

THE FOLLOWING RELATED CASE(S) IS PENDING OR HAS BEEN PENDING:

1. CASE NO.: _____ JUDGE: _____ DISTRICT/DIVISION: _____

CASE STILL PENDING (Y/N): _____ [If closed] Date of closing: _____

CURRENT STATUS OF RELATED CASE: _____
(Discharged/awaiting discharge, confirmed, dismissed, etc.)

MANNER IN WHICH CASES ARE RELATED (*Refer to NOTE above*): _____

REAL PROPERTY LISTED IN DEBTOR'S SCHEDULE "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED IN SCHEDULE "A" OF RELATED CASE: _____

2. CASE NO.: _____ JUDGE: _____ DISTRICT/DIVISION: _____

CASE STILL PENDING (Y/N): _____ [If closed] Date of closing: _____

CURRENT STATUS OF RELATED CASE: _____
(Discharged/awaiting discharge, confirmed, dismissed, etc.)

MANNER IN WHICH CASES ARE RELATED (*Refer to NOTE above*): _____

REAL PROPERTY LISTED IN DEBTOR'S SCHEDULE "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED IN SCHEDULE "A" OF RELATED CASE: _____

3. CASE NO.: _____ JUDGE: _____ DISTRICT/DIVISION: _____

CASE STILL PENDING (Y/N): _____ [If closed] Date of closing: _____

CURRENT STATUS OF RELATED CASE: _____
(Discharged/awaiting discharge, confirmed, dismissed, etc.)

MANNER IN WHICH CASES ARE RELATED (*Refer to NOTE above*): _____

REAL PROPERTY LISTED IN DEBTOR'S SCHEDULE "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED IN SCHEDULE "A" OF RELATED CASE: _____

(OVER)

DISCLOSURE OF RELATED CASES (cont'd)

NOTE: Pursuant to 11 U.S.C. § 109(g), certain individuals who have had prior cases dismissed within the preceding 180 days may not be eligible to be debtors. Such an individual will be required to file a statement in support of his/her eligibility to file.

TO BE COMPLETED BY DEBTOR/PETITIONER'S ATTORNEY, AS APPLICABLE:

I am admitted to practice in the Eastern District of New York (Y/N): Y

CERTIFICATION (to be signed by pro se debtor/petitioner or debtor/petitioner's attorney, as applicable):

I certify under penalty of perjury that the within bankruptcy case is not related to any case now pending or pending at any time, except as indicated elsewhere on this form.

/s/ Robert L. Pryor

Robert L. Pryor

Signature of Debtor's Attorney

Pryor & Mandelup, L.L.P.

675 Old Country Road

Westbury, NY 11590

516-997-0999 Fax:516-333-7333

Signature of Pro Se Debtor/Petitioner

Signature of Pro Se Joint Debtor/Petitioner

Mailing Address of Debtor/Petitioner

City, State, Zip Code

Area Code and Telephone Number

Failure to fully and truthfully provide all information required by the E.D.N.Y. LBR 1073-2 Statement may subject the debtor or any other petitioner and their attorney to appropriate sanctions, including without limitation conversion, the appointment of a trustee or the dismissal of the case with prejudice.

NOTE: Any change in address must be reported to the Court immediately IN WRITING. Dismissal of your petition may otherwise result.

Exhibit 3

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
IN RE: **Joseph A. Pepitone**

Chapter **7**

Case No.:

Debtor(s)
-----X

STATEMENT PURSUANT TO LOCAL RULE 2017

I, **Robert L. Pryor**, an attorney admitted to practice in this Court, state:

1. That I am the attorney for the above-named debtor(s) and am fully familiar with the facts herein.
2. That prior to the filing of the petition herein, my firm rendered the following services to the above-named debtor(s):

<u>Date\Time</u>	<u>Services</u>
January 6, 2010 through March 22, 2010	Initial interview, analysis of financial condition, etc.
April 8, 2010 through April 21, 2010	Preparation and review of Bankruptcy petition

3. That my firm will also represent the debtor(s) at the first meeting of creditors.
4. That all services rendered prior to the filing of the petition herein were rendered by my firm.
5. That my usual rate of compensation of bankruptcy matters of this type is \$ 2,850.00 .

Dated: **April 22, 2010**

/s/ Robert L. Pryor

Robert L. Pryor
Attorney for debtor(s)
Pryor & Mandelup, L.L.P.
675 Old Country Road
Westbury, NY 11590

516-997-0999 Fax:516-333-7333

Exhibit 4

Form B18 (Official Form 18)(12/01/2007)


United States Bankruptcy Court

Eastern District of New York
290 Federal Plaza, P.O. Box #9013
Central Islip, NY 11722-9013

IN RE:

CASE NO: 8-10-72883-dte

Joseph A. Pepitone


Massapequa, NY 11758

Name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address.

Social Security/Individual Taxpayer ID/Taxpayer ID/Employer ID No.:

CHAPTER: 7

xxx-xx-0055

DEBTOR(S)

DISCHARGE OF DEBTOR(S)

It appearing that the debtor(s) is entitled to a discharge,

IT IS ORDERED:

The debtor(s) is granted a discharge under Section 727 of Title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: August 12, 2010

s/ Dorothy Eisenberg
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

FORM B18 continued (12/01/2007)

EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE

This court order grants a discharge to the person(s) named as the debtor(s). It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor(s) a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor(s). A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts That are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

Debts that are Not Discharged.

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts incurred to pay nondischargeable taxes (in a case filed on or after October 17, 2005);
- c. Debts that are domestic support obligations;
- d. Debts for most student loans;
- e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;
- g. Some debts which were not properly listed by the debtor;
- h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts;
- j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans (in a case filed on or after October 17, 2005).

This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.

Exhibit 5

Form B18 (Official Form 18)(12/01/2007)

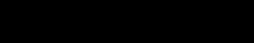
United States Bankruptcy Court

Eastern District of New York
290 Federal Plaza, P.O. Box #9013
Central Islip, NY 11722-9013

IN RE:

CASE NO: 8-10-72883-dte

Joseph A. Pepitone


Massapequa, NY 11758

Name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address.

Social Security/Individual Taxpayer ID/Taxpayer ID/Employer ID No.:

CHAPTER: 7

xxx-xx-0055

DEBTOR(s)

DISCHARGE OF DEBTOR(S)

It appearing that the debtor(s) is entitled to a discharge,

IT IS ORDERED:

The debtor(s) is granted a discharge under Section 727 of Title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: August 12, 2010

s/ Dorothy Eisenberg
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

FORM B18 continued (12/01/2007)

EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE

This court order grants a discharge to the person(s) named as the debtor(s). It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor(s) a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor(s). A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

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Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

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- c. Debts that are domestic support obligations;
- d. Debts for most student loans;
- e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;
- g. Some debts which were not properly listed by the debtor;
- h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts;
- j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans (in a case filed on or after October 17, 2005).

This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.

CERTIFICATE OF NOTICE

District/off: 0207-8
Case: 10-72883

User: dcorsini
Form ID: 253

Page 1 of 1
Total Noticed: 22

Date Rcvd: Aug 12, 2010

The following entities were noticed by first class mail on Aug 14, 2010.

db +Joseph A. Pepitone, ██████████ Massapequa, NY 11758-6841
smg +NYC Department of Finance, 345 Adams Street, 3rd Floor, Attn: Legal Affairs - Devora Cohn,
Brooklyn, NY 11201-3719
smg +NYS Department of Taxation & Finance, Bankruptcy Unit, PO Box 5300, Albany, NY 12205-0300
smg +NYS Unemployment Insurance, Attn: Isolvency Unit, Bldg. #12, Room 256,
Albany, NY 12240-0001
smg +United States Trustee, Office of the United States Trustee, Long Island Federal Courthouse,
560 Federal Plaza, Central Islip, NY 11722-4456
6662783 +Capital One, PO Box 71083, El Paso, TX 79917-1083
6662787 GE Money, PO Box 981127, Mason, OH 45040
6677932 +Harley-Davidson Credit Corp., PO BOX 829009, Dallas, TX 75382-9009
6662789 +Jim Nolan and Lisa Nolan, ██████████ Merrick, NY 11566-5505
6662790 KeyBank, PO Box 5788, Suite D, Cleveland, OH 44101-0788
6662791 KeySpan, c/o Allied Account Services, Inc., 422 Bedford Avenue, Bellmore, NY 11710-3564
6662794 +Macy's, c/o United Collection Bureau, 5620 Southwyck Blvd., Suite 2006,
Toledo, OH 43614-1501
6662793 Macy's, 9111 Duke Blvd., Houston, TX 77020
6662795 +Macy's c/o United Recovery Systems, 5800 North Course Drive, Houston, TX 77072-1613
6662796 +Stephanie Pepitone, ██████████ Kansas City, MO 64110-1112

The following entities were noticed by electronic transmission on Aug 12, 2010.

6755501 EDI: RECOVERYCORP.COM Aug 12 2010 15:13:00 Capital Recovery III LLC,
c/o Recovery Management Systems Corp., 25 S.E. 2nd Avenue, Suite 1120, Miami, FL 33131-1605
6662784 EDI: CHASE.COM Aug 12 2010 15:13:00 Chase, P O Box 15298, Wilmington, DE 19850-5298
6662785 E-mail/Text: bankruptcy.notices@hdfsi.com Eaglemark Savings Bank,
PO Box 22048, Carson City, NV 89721-2048
6662786 +EDI: FORD.COM Aug 12 2010 15:13:00 Ford Motor Credit, PO Box 31111, Tampa, FL 33631-3111
6706644 +EDI: BASSASSOC.COM Aug 12 2010 15:13:00 HSBC Bank Nevada, N.A., Bass & Associates, P.C.,
3936 E. Ft. Lowell Rd, Suite 200, Tucson, AZ 85712-1083
6662788 EDI: HFC.COM Aug 12 2010 15:13:00 HSBC Retail Services, PO Box 17602,
Baltimore, MD 21297-1602
6662792 +E-mail/Text: camanagement@mandtbank.com M&T Bank, 1 Fountain Plaza,
Buffalo, NY 14203-1495

TOTAL: 7

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 14, 2010

Signature: _____

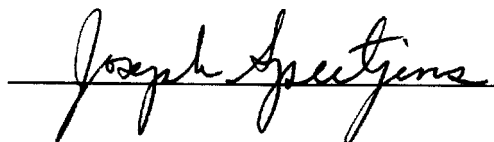


Exhibit 6

MEANSNO, CLOSED

**U.S. Bankruptcy Court
Eastern District of New York (Central Islip)
Bankruptcy Petition #: 8-10-72883-dte**

Assigned to: Dorothy Eisenberg
Chapter 7
Voluntary
No asset

Date filed: 04/22/2010
Date terminated: 07/18/2011
Debtor discharged: 08/12/2010
341 meeting: 07/25/2011
Deadline for objecting to discharge: 08/02/2010
Deadline for financial mgmt. course: 07/16/2010

Debtor disposition: Standard Discharge

Debtor**Joseph A. Pepitone**

Massapequa, NY 11758
NASSAU-NY
SSN / ITIN: xxx-xx-0055

represented by **Robert L Pryor**

Pryor & Mandelup, LLP
675 Old Country Road
Westbury, NY 11590
(516) 997-0999
Fax : (516) 333 7333
Email: rlp@pryormandelup.com

Trustee**Marc A. Pergament**

Weinberg Gross & Pergament
400 Garden City Plaza
Suite 403
Garden City, NY 11530
(516) 877-2424

U.S. Trustee**United States Trustee**

Long Island Federal Courthouse
560 Federal Plaza - Room 560
Central Islip, NY 11722-4437
(631) 715-7800

Filing Date	#	Docket Text
04/22/2010	<u>1</u> (46 pgs)	Chapter 7 Voluntary Petition. Fee Amount \$299 Filed by Robert L Pryor on behalf of Joseph A. Pepitone (Pryor, Robert) (Entered: 04/22/2010)
04/22/2010	<u>2</u> (1 pg)	Pre-Petition Statement Pursuant to LR 2017-1 Filed by Robert L Pryor on behalf of Joseph A. Pepitone (Pryor, Robert) (Entered: 04/22/2010)
04/22/2010		Receipt of Voluntary Petition (Chapter 7)(8-10-72883) [misc,volp7a] (299.00) Filing Fee. Receipt number 6642477. Fee amount 299.00. (U.S. Treasury) (Entered: 04/22/2010)
04/22/2010	<u>3</u> (1 pg)	Employee Income Records / Copies of Pay Statements <i>Affidavit in Lieu of Pay Statements</i> Filed by Robert L Pryor on behalf of Joseph A. Pepitone

		(Pryor, Robert) (Entered: 04/22/2010)
04/22/2010	4 (1 pg)	Certificate of Credit Counseling for Debtor Filed by Robert L Pryor on behalf of Joseph A. Pepitone (Pryor, Robert) (Entered: 04/22/2010)
04/22/2010		Meeting of Creditors Chapter 7 No Asset & Appointment of Chapter 7 Trustee, Marc A Pergament, 341(a) Meeting to be held on 06/01/2010 at 11:00 AM at Room 563, 560 Federal Plaza, CI, NY . Last day to oppose discharge or dischargeability is 08/02/2010 . (Entered: 04/22/2010)
04/23/2010	5 (6 pgs; 4 docs)	Request for Notice - Meeting of Creditors Chapter 7 No Asset Financial Management Certificate due by 7/16/2010. (jrw) (Entered: 04/23/2010)
04/25/2010	6 (3 pgs)	BNC Certificate of Mailing - Meeting of Creditors Service Date 04/25/2010. (Admin.) (Entered: 04/26/2010)
04/25/2010	7 (3 pgs)	BNC Certificate of Mailing with Notice of Electronic Filing Service Date 04/25/2010. (Admin.) (Entered: 04/26/2010)
04/29/2010	8 (2 pgs)	Notice of Appearance and Request for Notice Filed by Hilary B Bonial on behalf of Harley-Davidson Credit Corp. (Bonial, Hilary) (Entered: 04/29/2010)
05/17/2010	9 (1 pg)	Notice of Appearance and Request for Notice Filed by HSBC Bank Nevada, N.A.. (Bass, Patti) (Entered: 05/17/2010)
06/07/2010		Notice of Continuance of Meeting of Creditors on 6/14/2010 at 11:30 AM at Room 563, 560 Federal Plaza, CI, NY (Pergament, Marc) (Entered: 06/07/2010)
06/07/2010	10 (19 pgs; 6 docs)	Motion for Relief from Stay . Objections to be filed on 6/21/10. Hearing on Objections, if any, will be held on: 7/1/10 at 10:00am, Rm 561, 560 Federal Plaza, CI, NY. Fee Amount \$150. Filed by Geoffrey J Peters on behalf of KeyBank USA, N.A.. Order to be presented for signature on 6/24/2010. (Attachments: 1 Exhibit 2 Affidavit 3 Memorandum of Law 4 Affidavit Rule 55 5 Proposed Order) (Peters, Geoffrey) (Entered: 06/07/2010)
06/07/2010		Receipt of Motion for Relief From Stay(8-10-72883-dte) [motion,mrlfsty] (150.00) Filing Fee. Receipt number 6916201. Fee amount 150.00. (U.S. Treasury) (Entered: 06/07/2010)
06/16/2010	11 (1 pg)	Notice of Appearance and Request for Notice Filed by Capital Recovery III LLC c/o Recovery Management Systems Corporation. (Singh, Ramesh) (Entered: 06/16/2010)
06/17/2010		Notice of Continuance of Meeting of Creditors on 7/1/2010 at 11:30 AM at Room 563, 560 Federal Plaza, CI, NY (Pergament, Marc) (Entered: 06/17/2010)
06/30/2010	12 (9 pgs)	Reaffirmation Agreement Between Debtor and Creditor KeyBank,N.A. Filed by Beth Ann Schenz on behalf of KeyBank USA, N.A. (Schenz, Beth) (Entered: 06/30/2010)
07/01/2010	13 (12 pgs)	Reaffirmation Agreement Between Debtor and Creditor M & T Bank Filed by Robert L Pryor on behalf of Joseph A. Pepitone. (dhc) (Entered: 07/01/2010)

		07/01/2010)
07/01/2010		Reaffirmation Agreement Submitted to Chambers for Review (Re: Related document(s) 13 between debtor and creditor M&T Bank) (dhc) (Entered: 07/01/2010)
07/01/2010		Reaffirmation Agreement Submitted to Chambers for Review (Re:Related document(s) 12 between Debtor and creditor KeyBank) (dhc) (Entered: 07/01/2010)
07/02/2010	14 (2 pgs; 2 docs)	Notice of No Financial Management Certificate before Discharge for Debtor(s). (Admin) (Entered: 07/02/2010)
07/06/2010	15 (1 pg)	Order Granting Motion For Relief From Stay as to the 2005 Sea Ray 270 Sundeck (Related Doc # 10). Signed on 7/6/2010. (dhc) (Entered: 07/06/2010)
07/08/2010	16 (2 pgs)	BNC Certificate of Mailing with Notice of No Financial Management Certificate Service Date 07/08/2010. (Admin.) (Entered: 07/09/2010)
07/13/2010		Notice of Continuance of Meeting of Creditors on 8/9/2010 at 11:30 AM at Room 563, 560 Federal Plaza, CI, NY (Pergament, Marc) (Entered: 07/13/2010)
07/19/2010	17 (1 pg)	Affidavit Re: <i>Contribution as to Reaffirmation with Keybank for 2003 Triton Boat</i> Filed by Robert L Pryor on behalf of Joseph A. Pepitone (RE: related document(s) 12 Reaffirmation Agreement filed by Creditor KeyBank USA, N.A., Entry) (Pryor, Robert) (Entered: 07/19/2010)
07/19/2010	18 (1 pg)	Affidavit Re: <i>Contribution as to Reaffirmation with M&T Bank for 2003 Ford Expedition</i> Filed by Robert L Pryor on behalf of Joseph A. Pepitone (RE: related document(s) 13 Reaffirmation Agreement filed by Debtor Joseph A. Pepitone, Entry) (Pryor, Robert) (Entered: 07/19/2010)
07/21/2010		No Hearing Requirement on Reaffirmation Agreements (Re: related documents 12 and 13). (dhc) (Entered: 07/21/2010)
08/11/2010	19 (1 pg)	Debtor's Certification of Postpetition Completion of Instructional Course and/or Certificate of Financial Management Course Filed for Debtor. Debtor Certificate Number: 00252-NYE-DE-011959705 Filed by Robert L Pryor on behalf of Joseph A. Pepitone (RE: related document(s) 5 Request for Notice - Meeting of Creditors Chapter 7 No Asset) (Pryor, Robert) (Entered: 08/11/2010)
08/12/2010	20 (3 pgs; 2 docs)	Order Discharging Debtor. Signed on 8/12/2010 (dhc) (Entered: 08/12/2010)
08/14/2010	21 (3 pgs)	BNC Certificate of Mailing with Order of Discharge Service Date 08/14/2010. (Admin.) (Entered: 08/15/2010)
08/18/2010		Notice of Continuance of Meeting of Creditors on 8/26/2010 at 11:30 AM at Room 563, 560 Federal Plaza, CI, NY (Pergament, Marc) (Entered: 08/18/2010)
09/16/2010		Notice of Continuance of Meeting of Creditors on 9/17/2010 at 11:30 AM at Room 563, 560 Federal Plaza, CI, NY (Pergament, Marc) (Entered: 09/16/2010)

		09/16/2010)
09/22/2010		Notice of Continuance of Meeting of Creditors on 10/20/2010 at 11:30 AM at Room 563, 560 Federal Plaza, CI, NY (Pergament, Marc) (Entered: 09/22/2010)
10/25/2010		Notice of Continuance of Meeting of Creditors on 11/17/2010 at 11:30 AM at Room 563, 560 Federal Plaza, CI, NY (Pergament, Marc) (Entered: 10/25/2010)
11/22/2010		Notice of Continuance of Meeting of Creditors on 12/2/2010 at 11:30 AM at Room 563, 560 Federal Plaza, CI, NY (Pergament, Marc) (Entered: 11/22/2010)
12/06/2010		Notice of Continuance of Meeting of Creditors on 1/13/2011 at 11:30 AM at Room 563, 560 Federal Plaza, CI, NY (Pergament, Marc) (Entered: 12/06/2010)
01/17/2011		Notice of Continuance of Meeting of Creditors on 2/23/2011 at 11:30 AM at Room 563, 560 Federal Plaza, CI, NY (Pergament, Marc) (Entered: 01/17/2011)
02/25/2011		Notice of Continuance of Meeting of Creditors on 4/20/2011 at 11:30 AM at Room 563, 560 Federal Plaza, CI, NY (Pergament, Marc) (Entered: 02/25/2011)
04/25/2011		Notice of Continuance of Meeting of Creditors on 5/31/2011 at 11:30 AM at Room 563, 560 Federal Plaza, CI, NY (Pergament, Marc) (Entered: 04/25/2011)
06/06/2011		Notice of Continuance of Meeting of Creditors on 6/22/2011 at 11:30 AM at Room 563, 560 Federal Plaza, CI, NY (Pergament, Marc) (Entered: 06/06/2011)
06/28/2011		Notice of Continuance of Meeting of Creditors on 7/25/2011 at 11:30 AM at Room 563, 560 Federal Plaza, CI, NY (Pergament, Marc) (Entered: 06/28/2011)
07/15/2011		Chapter 7 Trustee's Report of No Distribution: I, Marc A Pergament, having been appointed trustee of the estate of the above-named debtor(s), report that I have neither received any property nor paid any money on account of this estate; that I have made a diligent inquiry into the financial affairs of the debtor(s) and the location of the property belonging to the estate; and that there is no property available for distribution from the estate over and above that exempted by law. Pursuant to Fed R Bank P 5009, I hereby certify that the estate of the above-named debtor(s) has been fully administered. I request that I be discharged from any further duties as trustee. Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record: This case was pending for 15 months. Assets Abandoned (without deducting any secured claims): \$ 73150.00, Assets Exempt: \$ 8300.00, Claims Scheduled: \$ 130189.09, Claims Asserted: Not Applicable, Claims scheduled to be discharged without payment (without deducting the value of collateral or debts excepted from discharge): \$ 130189.09. Filed by Marc A Pergament. (Pergament, Marc) (Entered: 07/15/2011)
07/18/2011	22	Final Decree Chapter 7, Copy to Trustee, US Trustee. Signed on 7/18/2011

	(2 pgs; 2 docs)	(sap) (Entered: 07/18/2011)
07/18/2011		Bankruptcy Case Closed. (sap) (Entered: 07/18/2011)
07/20/2011	23 (2 pgs)	BNC Certificate of Mailing with Final Decree Service Date 07/20/2011. (Admin.) (Entered: 07/21/2011)

PACER Service Center			
Transaction Receipt			
07/20/2021 15:47:23			
PACER Login:		Client Code:	
Description:	Docket Report	Search Criteria:	8-10-72883-dte Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Headers: included Format: html Page counts for documents: included
Billable Pages:	3	Cost:	0.30

Exhibit 7

United States Bankruptcy Court

Eastern District of New York
290 Federal Plaza, P.O. Box #9013
Central Islip, NY 11722-9013

IN RE:

CASE NO: 8-10-72883-dte

Joseph A. Pepitone

Social Security/Individual Taxpayer ID/Taxpayer ID/Employer
ID No.:

CHAPTER: 7

xxx-xx-0055

DEBTOR(s)

FINAL DECREE

The estate of the above named debtor(s) has been fully administered.

IT IS ORDERED THAT:

- Marc A Pergament (Trustee) is discharged as trustee of the estate of the above-named debtor(s).
- The Chapter 7 case of the above-named debtor(s) is closed.

s/ Dorothy Eisenberg
United States Bankruptcy Judge

Dated: July 18, 2011

Notice Recipients

District/Off: 0207-8
Case: 8-10-72883-dte

User: spliego
Form ID: 205

Date Created: 7/18/2011
Total: 4

Recipients of Notice of Electronic Filing:

tr Marc A Pergament mpergament@wgplaw.com, n167@ecfbis.com
aty Robert L Pryor rlp@pryormandelup.com, dg@pryormandelup.com

TOTAL: 2

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db Joseph A. Pepitone ██████████ Massapequa, NY 11758
smg United States Trustee Office of the United States Trustee Long Island Federal Courthouse 560
Federal Plaza Central Islip, NY 11722-4437

TOTAL: 2