

THE UNITED STATES DISTRICT COURT  
FOR THE UNITED STATES VIRGIN ISLANDS  
BANKRUPTCY DIVISION

In re:	)	Bankr. Case No. 06-30009 (JKF)
	)	
JEFFREY J. PROSSER,	)	Chapter 7
	)	
Debtor,	)	Related to DE 4158, 4172
	)	
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STAN SPRINGEL, CHAPTER 11 TRUSTEE	)	
OF THE BANKRUPTCY ESTATE OF	)	
INNOVATIVE COMMUNICATION	)	
CORPORATION AND JAMES P.	)	
CARROLL, CHAPTER 7 TRUSTEE OF	)	
THE BANKRUPTCY ESTATE OF	)	
JEFFREY J. PROSSER,	)	
	)	
Plaintiff,	)	
	)	Adv. Pro. No. 07-03010
v.	)	
	)	Related to DE 1051, 1064
JEFFREY J. PROSSER, et. al.	)	
	)	
Defendants,	)	
	)	
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**ORDER GRANTING CHAPTER 7 TRUSTEE’S MOTION FOR CONTEMPT AND FOR  
SANCTIONS AGAINST LYNDON ADRIAN PROSSER**

**AND NOW**, this \_\_\_\_ day of \_\_\_\_\_, 2013, **WHEREAS**, James P. Carroll, Chapter 7 Trustee of the estate of Jeffrey Prosser (the “Trustee”) filed the motion for contempt and for sanctions against Lyndon Adrian Prosser (the “Motion”) [06-30009 DE 4158; 07-03010 DE 1051] in connection with his sale of estate property, a 2.43 carat diamond Kaufman de Suisse Ring originally purchased for \$31,005.00 (the “Ring”), in violation of the Court’s December 11, 2007 Preliminary Injunction Order [07-03010, DE 79]; and

**WHEREAS**, the Court found Lyndon Adrian Prosser in contempt at a hearing on the Motion on April 23, 2013; and

*WHEREAS*, by order entered April 24, 2013, the Court directed the Trustee to file a bill of costs of fees and costs related to the Motion [06-30009 DE 4167; 07-03010 DE 1060]; and

*WHEREAS*, on May 3, 2013, the Trustee filed his Bill of Fees and Costs Related to the Chapter 7 Trustee's Motion for Contempt and for Sanctions Against Lyndon Adrian Prosser (“Bill of Costs”) [06-30009 DE 4172; 07-03010 DE 1064]; and

*WHEREAS*, the Trustee filed a Certificate of No Objection to the Bill of Costs on May 23, 2013 [06-30009 DE 4205; 07-03010 DE 1076] after no parties objected to the Bill of Costs; and

*WHEREAS*, the Court held a second hearing on the Motion on May 28, 2013 and directed the parties to enter into settlement discussions as to the estate’s loss with respect to the Motion, but informed the parties that if they could not reach a settlement before June 11, 2013, the Motion would be on for hearing again on June 11, 2013; and

*WHEREAS*, the parties could not arrive at a settlement by June 11, 2013 and the Motion was granted by the Court at the hearing on June 11, 2013; and

***NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:***

1. The Bill of Costs is hereby **APPROVED**, and the Motion is hereby **GRANTED**, as further detailed below.

2. Lyndon Adrian Prosser, is hereby granted the opportunity to purge his contempt by paying the Trustee in accordance with the following terms:

Lyndon Adrian Prosser shall pay to the Trustee \$37,772.50 in twelve (12) equal monthly installments of \$3,147.70 (the “Monthly Payments”). Each Monthly Payment shall be due and payable on the first calendar day (or, if such calendar day falls on a weekend or Federal holiday, on the first calendar day following such date) of each month (the “Payment Due Date”),

commencing on July 1, 2013, and continuing for twelve consecutive months thereafter. Monthly Payments shall be made by wire or certified check payable to "James P. Carroll As Chapter 7 Trustee of the Estate of Jeffrey J. Prosser," and delivered (or wired) to the Trustee per his payment instructions. Monthly Payments must be *actually received* by the Trustee by no later than the Payment Due Date for each Monthly Payment. Failure to deliver or wire any Monthly Payment shall constitute a payment default by Lyndon Adrian Prosser (the "Payment Default"). The Trustee shall provide Lyndon Adrian Prosser notice of any Payment Default by email notice to Lyndon Adrian Prosser's counsel (the "Notice of Payment Default"), which notice shall be deemed given upon the transmission of such email by the Trustee or his counsel. Lyndon Adrian Prosser shall have five (5) calendar days from the transmission of the Notice of a Payment Default to cure any Payment Default. Failure to timely cure any Payment Default by Lyndon Adrian Prosser, *time being of the essence*, shall constitute an immediate waiver by Lyndon Adrian Prosser of this Contempt Payment Option (the "Purge Opportunity Waiver").

3. Failure by Lyndon Adrian Prosser to comply with these terms shall be punishable as a civil contempt of this Court and shall subject <sup>him</sup> to further sanctions to be issued by this court ~~against Lyndon Adrian Prosser, including arrest and incarceration~~ until such civil contempt is purged.

Dated: June 20, 2013

  
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HONORABLE MARY F. WALRATH  
UNITED STATES BANKRUPTCY JUDGE