

1 THE COURT: No, I understand that. I'm not asking
2 you, and I'm just telling you that I'm inclined to do it on my
3 own motion. If there is another motion filed shortly, then
4 I'll deal through that methodology. So, that's bad news for
5 the debtor. The bad news for Mr. Jape is, I've come to the
6 conclusion that the trade name is owned by the debtor. And I
7 would enter a preliminary injunction. And I can do that right
8 now -- what's going on in this case.

9 I'm putting some pressure on you people to resolve
10 this dispute. I believe that the preliminary injunction would
11 stand up. I believe that even if it were a jury trial, based
12 on the evidence presented the other day, the jury would come to
13 the same conclusion. I'm not convinced that the debtor, with
14 or without that result, is capable of reorganizing.

15 I'm concerned, as I said before, that I don't think
16 the creditors are getting -- they're not getting anything out
17 of this. This just -- I've never wanted to characterize this,
18 really, and I have characterized it and didn't like having to
19 characterize it as a domestic dispute, but it's got to stop.
20 It's just got to stop. And we've got to get on with the
21 financial part of it which is reorganizing this debtor.

22 The best thing probably would happen in this case is
23 that it'd be just an auction and let somebody bid for the
24 assets of the company and let the chips fall where they may.
25 It may be that to the extent there remains a -- the adversary