

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF

SOL LEWIS APPLIANCES, INC.,

DEBTOR

APPLIANCE BUYERS CREDIT
CORPORATION,

Plaintiff

vs.

J.L. BRANDEIS & SONS, INC.,
and SOL LEWIS APPLIANCES, INC.,

Defendants

CASE NO. BK80-229

A80-326

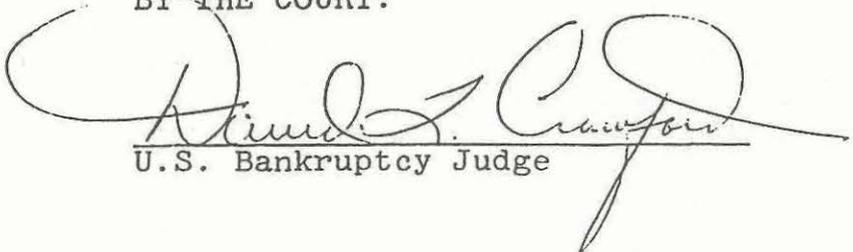
MEMORANDUM

Before me is the issue of whether the defendant, J.L. Brandeis & Sons, Inc., is entitled to attorney fees as a stakeholder in what has now become interpleader action.

The parties dispute Brandeis' claim for attorney fees on the basis that it did not act promptly in bringing the funds to court when it could have done so and avoided suit being brought against it and other parties. While it is difficult to ascertain the motivation of a stakeholder in withholding action or delaying action, it seems to me that there was unwarranted delay in bringing forth the funds for deposit into court and that unnecessary action by interested parties was necessary as a result. Accordingly, my conclusion is that J.L. Brandeis & Sons, Inc., should be denied its request for attorney fees in this litigation. A separate order is entered in accordance with the foregoing.

DATED: March 24, 1982.

BY THE COURT:


U.S. Bankruptcy Judge