

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 AND ORDER

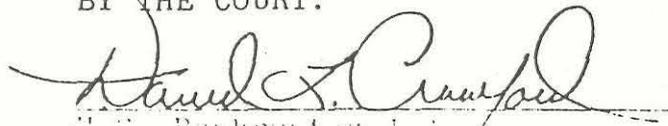
This matter comes on for hearing on the motion by the defendant J. L. Brandeis & Sons, Inc., to bring in additional parties because of counterclaim. Plaintiff sued the defendants alleging that J. L. Brandeis & Sons, Inc., held monies due it. J. L. Brandeis answered and asserted that other parties might assert claim to the money held by it and that it asserted no claim to monies itself. J. L. Brandeis asked for interpleader relief. It also asked for attorney fees. At the hearing, the only significant issue was whether J. L. Brandeis should be allowed attorney fees. This was opposed by other parties appearing at the hearing. Resolution of the attorney fee matter should be made at a later time and not at the outset of the interpleader action. It is sufficient to observe that there is skepticism regarding the altruistic claims of Brandeis. Accordingly, it is

ORDERED that the motion by J. L. Brandeis & Sons, Inc., to bring in additional parties because of counterclaim is hereby granted with the defendant to take the necessary steps to serve the additional parties with appropriate summons and notice of trial together with copies of the plaintiff's complaint and the defense and counterclaim for interpleader filed by J. L. Brandeis & Sons, Inc., within twenty-one days from the date of this order; and it is further

ORDERED that the request for attorney's fee allowance by J. L. Brandeis & Sons, Inc., be, and the same hereby is, denied without prejudice to the right of J. L. Brandeis to reassert the claim at a later stage in this proceeding.

DATED: May 12, 1981.

BY THE COURT:

  
David S. Crawford