



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

OMNIBUS CALENDAR ASSIGNMENT FORM

SUPERIOR COURT

PROVIDENCE/BRISTOL  KENT  WASHINGTON  NEWPORT

1. John Lavoie VS Clean Environment Service, Inc.	2. CASE NO. PB 02-3467
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3. REQUESTED CALENDAR ASSIGNMENT

J Jury Trial  TRIAL CALENDAR  N Non-Jury Trial

4. FORMAL AND SPECIAL CAUSE CALENDAR

<input type="checkbox"/> AGA Agency Appeal	<input type="checkbox"/> MNJ Mandatory Injunction	<input type="checkbox"/> POC Proof of Claim
<input type="checkbox"/> AOD Assessment of Damages	<input type="checkbox"/> MEL Mechanic's Lien	<input type="checkbox"/> RCP Receivership Proceedings
<input type="checkbox"/> CNA Confirm Arbitration	<input type="checkbox"/> MAT Motion to Attach	<input type="checkbox"/> SUP Supplementary Proceedings
<input type="checkbox"/> CNP Contempt Proceedings	<input type="checkbox"/> PRT Partition Proceedings	<input type="checkbox"/> TRO Temporary Restraining Order
<input type="checkbox"/> DEJ Declaratory Judgment	<input type="checkbox"/> PAT Petition to Appoint Temporary Receiver	<input type="checkbox"/> TIP Title Proceedings
<input type="checkbox"/> EOJ Entry of Judgment	<input type="checkbox"/> PEN Petition to Enforce	<input type="checkbox"/> TSP Trustee Proceedings
<input type="checkbox"/> FFR First and Final Report	<input checked="" type="checkbox"/> PIN Petition for Instructions	<input type="checkbox"/> VAR Vacate Arbitration
<input type="checkbox"/> FRR Foreclosure of Right of Redemption	<input type="checkbox"/> PRE Petition to Reclaim	<input type="checkbox"/> WOM Writ of Mandamus
<input type="checkbox"/> FRS Friendly Suit	<input type="checkbox"/> PES Petition to Sell	<input type="checkbox"/> WOR Writ of Replevin
<input type="checkbox"/> OPC Oral Proof of Claim	<input type="checkbox"/> PPI Preliminary Injunction	

OTH Other FSC Matter

DISPOSITIVE MOTION CALENDAR (TUESDAYS, PROV. ONLY)

<input type="checkbox"/> MTD Motion to Dismiss, Under Rule 12	<input type="checkbox"/> MPS Motion for Partial Summary Judgment
<input type="checkbox"/> MJP Motion for Entry of Judgment on Pleadings	<input type="checkbox"/> MSJ Motion for Summary Judgment
<input type="checkbox"/> MTN Other Dispositive Motion	

HEARING DATE 5-2-03 <sup>BUS</sup> FSC ACTION CAL CLERK *Maggiacomo* DATE 4-22-03

5. SPECIAL MASTER CALENDAR

CIC Criminal Injury Compensation HEARING DATE \_\_\_\_\_ CLERK \_\_\_\_\_

6. METHOD OF ASSIGNMENT

Motion to Assign  Stipulation to Assign  Court Order Pursuant to Temporary Ex Parte Order

BASED ON METHOD OF ASSIGNMENT, STATE ANY RELEVANT INFORMATION BELOW

7. ATTORNEYS DATE 4-22-03

Signatures *Theodore Orson*  
Print Name Theodore Orson, Counsel to Alan M. Shine, Receiver

8. DATE / TIME STAMP

APR 23 12 29 PM '03

RECEIVED  
SECRETARY OF STATE  
OFFICE OF THE CLERK

## NOTICE TO CREDITORS

1. Please Take Notice that a Hearing on the Receiver's Petition For Instructions pursuant to which the Receiver requests instructions whether he should engage Pezza Law Offices as Special Counsel to investigate, and if appropriate, to prosecute claims against the Plaintiff, will be held at **9:30 a.m. on the 2<sup>nd</sup> day of May, 2003**, before the Providence County Superior Court, on the Business Calendar, sitting in Courtroom 17, 4th Floor, The Governor Light Judicial Complex, 250 Benefit Street, Providence, Rhode Island.

2. A copy of the Receiver's Petition is on file with the Clerk's Office of said Court. For further information, please feel free to call Theodore Orson, counsel to the Receiver at (401) 273-8300.

3. The Receiver shall give Notice of said Hearing by forwarding a copy of this Omnibus Form to all creditors with claims or liens against the Defendant's assets known to the Receiver and a copy of said Petition and this Omnibus Form to all parties listed on Schedule A, annexed to said Petition, by regular mail, postage prepaid, at least 10 days prior to the date of said Hearing.

COPY

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

John Lavoie  
Plaintiff

vs.

P.B. #02-3467

Clean Environment Service, Inc.  
Defendant

PETITION FOR INSTRUCTIONS

To the Honorable Superior Court for the Counties of Providence and Bristol, respectfully represents Allan M. Shine, of the City and County of Providence, as follows:

1. Petitioner is the duly-appointed Permanent Receiver of Clean Environment Service, Inc. ("CES").

2. The Estate of Raymond Simoneau (the "Simoneau Estate"), a creditor of the within Receivership Estate, has alleged that prior to the commencement of this Receivership proceeding, John Lavoie, the Plaintiff herein and a former principal of CES, committed malfeasant acts in breach of his fiduciary duty to CES causing injury to CES.

3. The Receivership Estate does not have sufficient funds to investigate and, if appropriate, to prosecute the Receivership Estate's claims against Mr. Lavoie, if any.

4. In a letter attached hereto, the Simoneau Estate's counsel, Pezza Law Offices ("Pezza"), has offered to act as Petitioner's Special Counsel for the special purpose of investigating and prosecuting the Receivership Estate's claims against Mr. Lavoie, if any, in consideration of a 30% contingent

Jec'd  
4/22/03  
★

*John Lavoie*  
*vs. Clean Environment Service, Inc.*  
*P.B. #00-3285, Page 2*

fee of all amounts Pezza recovers as Special Counsel. Pezza further agrees to assume the payment of 100% of the costs which may be chargeable to the Receivership Estate incurred in connection with or related to Pezza's investigation and prosecution of said claims.

WHEREFORE, Petitioner respectfully requests that this Court instruct him as to whether he should accept Pezza Law Offices' offer to act as Special Counsel to Petitioner according to the terms and conditions set forth in this Petition and in the letter attached hereto and to grant to Petitioner such further relief as this Court determines is just and reasonable under the circumstances.

**ALLAN M. SHINE, AS RECEIVER OF CLEAN  
ENVIRONMENT SERVICE, INC.**

By his attorney,



\_\_\_\_\_  
Theodore Orson, Esq.  
State Bar No. 0383  
WINOGRAD, SHINE & ZACKS, P.C.  
123 Dyer Street  
Providence, RI 02903  
Dated: April 22, 2003

# *Pizza Law Offices*

*259 Wayland Avenue  
Providence, RI 02906*

April 22, 2003

*Phone (401) 831-4455*

*Fax (401) 273-0714*

*Raymond R. Pizza  
Stephen M. Pizza*

Allan M. Shine, Esquire  
123 Dyer Street  
Providence, Rhode Island 02903

Re: Lavoie v. Simoneau Bros LLC

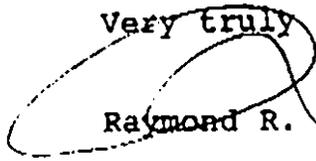
Dear Mr. Shine:

I hereby request that you, as Receiver involving the above matter, appoint my office as special counsel for the Receiver for the purpose of securing tax information from Clean Environment Services. Further, I hereby request authority to act as special counsel for the purpose of collecting funds taken by Mr. Lavoie as mentioned in his deposition. I further request authority to review all the documentation, including but not limiting to expenses and to submit a report to you, as Permanent Receiver, as to whether these funds are due the corporation based on the documentation produced.

In order to eliminate any expenses on behalf of the Receivership, I am willing to incur all costs for the subpoenas of the documents requested and request a fee of 30% of all funds recovered on behalf of the Receiver.

Would you please advise the acceptance of this correspondence. Thanking you, I am.

Very truly yours,

  
Raymond R. Pizza

RRP;sm  
CC: Theodore Orson  
Douglas Desimone

# RECEIVERSHIP NOTICE 7-8-02

STATE OF RHODE ISLAND  
PROVIDENCE, SC.  
SUPERIOR COURT  
John Lavole  
Plaintiff

vs.  
Clean Environment  
Service, Inc.  
Defendant  
BC# 02-3487

## ORDER APPOINTING TEMPORARY RECEIVER

This cause came on to be heard upon the Plaintiff's Petition for Appointment of a Receiver and, upon consideration thereof, it is hereby

### ORDERED, ADJUDGED AND DECREED

1. That Allan M. Shine of Providence, Rhode Island be and hereby is appointed Temporary Receiver (the "Receiver") of the Defendant.

2. That said Receiver shall, no later than five (5) days from the date hereof, file a bond in the sum of \$10,000 with any surety company authorized to do business in the State of Rhode Island as surety thereon, conditioned that the Receiver will well and truly perform the duties of said office and abide by and perform all things which the Receiver will be directed to do by this Court.

3. That said Receiver is authorized to take possession and charge of the property and assets of the Defendant, to collect the debts and property belonging to it and to preserve the same until further Order of this Court.

4. That said Receiver is authorized, until further Order of this Court, in the Receiver's discretion and as said Receiver deems appropriate and advisable, to conduct the business of said Defendant, to borrow money from time to time, to purchase, for cash or upon credit, merchandise, materials and other property, to engage appraisers and/or employees and assistants, clerical or otherwise, and to pay all such individuals and entities in the usual course of business, and to do and perform or cause to be done and performed all other acts and things as are appropriate in the premises.

5. That, pursuant to and in compliance with Rhode Island Supreme Court Executive Order No. 95-01, this Court finds that the designation of the aforesaid person for appointment as Receiver herein is warranted and required because of the Receiver's specialized expertise and experience in operating businesses in Receivership and in administering non-routine Receiverships which involve unusual or complex legal, financial, or business issues.

6. That the commencement, prosecution, or continuance of the prosecution, of any action, suit, arbitration proceeding, hearing, or any foreclosure, reclamation or repossession proceeding, both judicial and non-judicial, or any other proceeding, in law, or in equity or under any statute, or otherwise, against said Defendant or any of its property, in any Court, agency, tribunal, or elsewhere, or before any arbitrator, or otherwise by any creditor, stockholder, corporation, partnership or any other person, or the levy of any attachment, execution or other process upon or against any property of said Defendant, or the taking or attempting to take into possession any property in the possession of the Defendant or of which the Defendant has the right to possession, or the cancellation at any time during the Receivership proceeding herein of any insurance policy, lease or other contract with Defendant, by any of such parties as aforesaid, other than the Receiver designated as aforesaid, or the termination of, telephone, electric, gas or other utility service to Defendant, by any public utility, without obtaining prior approval thereof from this Honorable Court, in which connection said Receiver shall be entitled to prior notice and an opportunity to be heard, are hereby restrained and enjoined until further Order of this Court.

7. That a Citation be issued to said Defendant, returnable to the Superior Court sitting at Providence, Rhode Island on July 25, 2002, at 9:30 a.m. at which time and place this cause is set down for Hearing, on the prayer for the Appointment of a Permanent Receiver; that the Clerk of this Court shall give Notice of the pendency of the Petition herein by publishing this ORDER APPOINTING TEMPORARY RECEIVER once in THE PROVIDENCE JOURNAL on or before July 8, 2002, and the Receiver shall give further notice by mailing, on or before July 8, 2002, a copy of said Order Appointing Temporary Receiver to each of Defendant's creditors and stockholders whose address is known or may become known to the Receiver.

ENTERED as an Order of this Court this 27th day of June, 2002.

ENTERED:  
Silverstein, J.  
Associate Justice

Dated: 6/27/02  
BY ORDER:  
Jean Maggiano,  
Dep. Clerk, Superior Court

John Lavole  
vs.  
Clean Environment  
Service, Inc.