The document below is hereby signed.

Signed: March 05, 2010.



S. Martin Teel, Jr. United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF COLUMBIA

In re			)	
			)	
ELLIPSO,	INC.,		)	Case No. 09-00148
			)	(Chapter 11)
		Debtor.	)	Not for Publication in
			)	West's Bankruptcy Reporter

MEMORANDUM DECISION RE MOTION OF DAVID CASTIEL FOR RECONSIDERATION OF ORDER GRANTING CREDITOR ROBERT PATTERSON'S MOTION TO HOLD DAVID CASTIEL IN CONTEMPT OF COURT FOR FAILURE TO COMPLY WITH THIS COURT'S ORDERS OF SEPTEMBER 9, 2009, AND OCTOBER 7, 2009

David Castiel has filed a motion (Dkt. No. 484) seeking reconsideration of this court's order (Dkt. No. 482) holding him in contempt. He represents that he acted on advice of counsel, and that once he realized that redacted copies were unacceptable, he had insufficient time to produce unredacted copies. Finally, he urges that the only thing redacted were account numbers that could be derived by examining other papers for the accounts that were *not* submitted in redacted form. None of these contentions warrants reconsideration.

Advice of counsel and good faith are not defenses to a *civil* contempt motion. <u>McComb v. Jacksonville Paper Co.</u>, 336 U.S. 187,

191 (1949). The delay would not have arisen had Castiel submitted unredacted copies in the first place. Finally, Castiel may have known that only account numbers were redacted (and could be derived by looking at papers for the same accounts that were *not* redacted), but Patterson would not have been in a position to know that until he saw unredacted copies showing that account numbers were the only thing redacted. Patterson requests sanctions for Castiel having proceeded in bad faith, but Castiel's errors of law do not rise to the level of bad faith, and he will be limited to recovering costs taxable under 28 U.S.C. § 1920.

[Signed and dated above.]

Copies to:

Debtor's attorney; Office of U.S. Trustee; and:

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David and Cameran Castiel 2831 44th Street, NW Washington, D.C. 20007

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