

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE:	)	In Proceedings
	)	Under Chapter 11
L. P. MAUN, M.D., LTD.,	)	
	)	No. BK 86-31038
Debtor(s).	)	
GARY KRAUSS,	)	
	)	
Plaintiff(s),	)	
	)	
v.	)	
	)	
L. P. MAUN, M.D., LTD.,	)	
	)	
Defendant(s).	)	

O R D E R

This matter is before the Court on a Motion to Reconsider filed by Gary Krauss. The motion asks the Court to reconsider its order of February 5, 1988 denying Krauss' motion for an order finding debtor in contempt. Specifically, movant takes issue with the portion of the February 5, 1988 order which denied his request for interest, attorney's fees and costs under §506(b) of the Bankruptcy Code.

In his original motion, Krauss had asked that debtor be held in contempt for its failure to make monthly payments of \$3,500.00 pursuant to a stipulated cash collateral order entered June 18, 1987. No request for interest, attorney's fees or costs was made in that motion.

The Court discussed the issue of interest, attorney's fees and costs in its February 5, 1988 order only after it has first been raised by Krauss at the hearing on the motion. Krauss' §506(b) arguments obscured the real issue raised by his motion, i.e., whether debtor should be held in contempt for its violation of the June 18, 1987 cash

collateral order.

Although the February 5, 1988 order clearly dealt only with the contempt issue, a person reading the order could conclude that it also bars any claim for interest, attorney's fees and costs under §506(b). Consequently, insofar as the order intimates that Krauss is precluded from claiming interest, attorney's fees and costs as part of his claim against debtor's estate, the order is VACATED. In all other respects the order is AFFIRMED and Krauss' Motion to Reconsider is DENIED.

\_\_\_\_\_ /s/ Kenneth J. Meyers  
U.S. BANKRUPTCY JUDGE

ENTERED: April 13, 1988