

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE: §  
ST STEPHENS THE GREAT, LLC § Case No. 08-33689-H1-7  
Debtor. §

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**ORDER**

The Court has considered the Motion For Sanctions filed by Randy W. Williams, chapter 7 trustee (the "Trustee"). The Court finds that Mark Brewer and the firm of Brewer & Pritchard, P.C. acted in bad faith and committed fraud on the Court by filing the above referenced and numbered bankruptcy case. The filing of the case constituted a willful and deliberate attempt to delay and hinder creditors with claims against Mr. Brewer, ENC Management Company and St. Stephen the Great Registered Charity. The Court also finds that Mark Brewer and the firm of Brewer & Pritchard, P.C. violated their duty of candor to the Court as well as other provisions of the Texas Disciplinary Rules by attempting to prosecute this case based on intentional and misleading omissions and intentional and misleading statements of fact. Based on the foregoing, the Court finds that sanctions should be imposed under the inherent power of this Court, 11 U.S.C. § 105 and 28 U.S.C. § 1927. Accordingly, it is

**ORDERED THAT:**

1. As compensatory sanctions, Mark Brewer and the firm of Brewer & Pritchard, P.C., jointly and severally, shall pay the Trustee the sum of \$10,000 (the "compensatory sanctions"). The compensatory sanctions shall be paid in the form of a certified or cashier's check and delivered to Trustee not later than 15 days after the entry date of this Order. The compensatory sanctions shall be payable to "Randy W. Williams, Trustee" and delivered c/o Thompson & Knight, L.L.P., 333 Clay, Suite 3300, Houston, Texas 77002.

2. Mark Brewer and the firm of Brewer & Pritchard, P.C., jointly and severally, shall pay to the Trustee the sum of \$5,000 for his attorney's fees and expenses in prosecuting this motion (the "Attorney's Fees"). The Attorney's Fees shall be paid in the form of a certified or cashier's check and delivered to Trustee not later than 15 days after the entry date of this Order. The Attorney's Fees awarded under this paragraph shall be payable to "Randy W. Williams, Trustee" and delivered c/o Thompson & Knight, L.L.P., 333 Clay, Suite 3300, Houston, Texas 77002.

3. In the event of an unsuccessful appeal of this Order to the United States District Court, the Trustee shall be entitled to additional attorney's fees in the amount of \$25,000. These attorney's fees shall be paid by Mark Brewer and the firm of Brewer & Pritchard, P.C., jointly and severally, in the form of a certified or cashier's check and delivered to Trustee not later than 15 days after the entry of an Order of the District Court affirming this Order. The Attorney's Fee awarded under this paragraph shall be payable to "Randy W. Williams, Trustee" and delivered c/o Thompson & Knight, L.L.P., 333 Clay, Suite 3300, Houston, Texas 77002.

4. In the event of an unsuccessful appeal of this Order to the Fifth Circuit Court of Appeals, the Trustee shall be entitled to additional attorney's fees in the amount of \$40,000. These attorney's fees shall be paid by Mark Brewer and the firm of Brewer & Pritchard, P.C., jointly and severally, in the form of a certified or cashier's check and delivered to Trustee not later than 15 days after the entry of a mandate from the Fifth Circuit Court of Appeals affirming this Order. The Attorney's Fee awarded under this paragraph shall be payable to "Randy W. Williams, Trustee" and delivered c/o Thompson & Knight, L.L.P., 333 Clay, Suite 3300, Houston, Texas 77002.

5. In the event that an application for writ of certiorari with the United States Supreme Court is filed, and the writ is denied, the Trustee shall be entitled to additional attorney's fees from Mark Brewer and the firm of Brewer & Pritchard, P.C., jointly and severally, in the amount of \$50,000. These attorney's fees shall be paid by Mark Brewer and the firm of Brewer & Pritchard, P.C., jointly and severally in the form of a certified or cashier's check and delivered to Trustee not later than 15 days after the entry of a order from the Supreme Court denying the application for writ. The Attorney's Fee awarded under this paragraph shall be payable to "Randy W. Williams, Trustee" and delivered c/o Thompson & Knight, L.L.P., 333 Clay, Suite 3300, Houston, Texas 77002.

6. In order to deter similar future conduct, Mark Brewer and the firm of Brewer & Pritchard, P.C., jointly and severally, shall pay \$10,000 by cashier's check made payable to the Clerk of the Court for the Southern District of Texas not later than 15 days after entry of this Order. In addition, Mark Brewer shall complete 20 hours of continuing legal education in the area of legal ethics within 365 days of the entry date of this Order. Mr. Brewer shall file a certificate of completion with the Court. The certificate shall be signed by Mr. Brewer under penalty of perjury and set forth the courses taken, the amount of CLE ethics credit awarded for each course, the date and time of each course and a statement by Mr. Brewer that he personally attended each course.

7. The monetary obligations imposed in this Order are joint and several liabilities of Mark Brewer and the firm of Brewer & Pritchard, P.C.

8. To the extent any monetary sanction due hereunder is not paid within fifteen (15) days as provided herein, the Court imposes an additional sanction of \$100.00 per day jointly and severally against Mark Brewer and the firm of Brewer & Pritchard, P.C.

9. This is a final Order. The Trustee and the Clerk of Court are entitled to all writs and processes necessary to enforce this Order.

10. The Court reserves jurisdiction to enforce this Order.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2008.

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**THE HONORABLE MARVIN ISGUR,  
UNITED STATES BANKRUPTCY JUDGE**