

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF: )  
 )  
CONSOLIDATED INDUSTRIES CORP. ) CASE NO. 98-40533  
 )  
DEBTOR )

**ORDER CONCERNING VANSANT COMPROMISE**

At Fort Wayne, Indiana, on March 25, 2004.

In this chapter 7 case, the trustee has filed a motion to compromise claims being asserted by Sherill and Bobbi Vansant. The motion has been fully noticed out and there have been no objections thereto, save from the debtor's former parent, Enodis Corporation. The trustee has responded to this objection by filing a motion, together with a brief in support thereof, asking the court to strike it, arguing that Enodis lacks standing to participate in the administration of the bankruptcy case. Indeed, the court has so held on more than one occasion.

Under the court's normal procedures, it would schedule the issues raised by the motion to compromise and Enodis' objection to it for a preliminary hearing.<sup>1</sup> The court notes, however, there is presently pending before the District Court an appeal from one of this court's earlier decisions which concluded that Enodis lacked standing to participate in the administration of the bankruptcy case. That appeal, which is Case No. 4:04-CV10, Enodis Corp. v. Freeland, Trustee, arises out of circumstances which appear to be virtually identical to those now before the court. Specifically, Enodis had objected to the trustee's proposed motion to compromise certain claims against the bankruptcy estate and the

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<sup>1</sup>Under the local rules of this court, unless otherwise ordered, Enodis would have thirty (30) days to file a brief in opposition to the trustee's motion to strike and the trustee would have fifteen (15) days thereafter within which to reply.

court held that it lacked standing to do so. A decision by the District Court may fully dispose of or at least substantially clarify the issues presented by Enodis' most recent objection. The court also notes that the briefing before the District Court appears to be complete so that a decision might be anticipated in the not too distant future. Consequently, it seems that the interest of the court and the parties would best be served by deferring any consideration of the issues raised by the trustee's motion to compromise the Vansant controversy and Enodis Corporation's objection thereto (including any issues associated with the trustee's motion to strike that objection) until after the District Court's decision in Enodis Corp. v. Freeland, Case No. 4:04-CV10. Following the issuance of the District Court's decision, the trustee's motion to compromise and Enodis Corporation's objection thereto will be set for such proceedings, if any, as may be appropriate.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court