

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

ENODIS CORPORATION,	)	
	)	
Plaintiff-Appellant,	)	
	)	
v.	)	Nos. 4:04cv0010 AS
	)	4:04cv0025 AS
DANIEL L. FREELAND, <i>Trustee</i> ,	)	
	)	
Defendant-Appellee.	)	

**MEMORANDUM AND ORDER**

By invitation from counsel to do so at the oral argument held in Lafayette, Indiana on April 27, 2004, this Court will address the two pending bankruptcy appeals which deal with the same general issue, simultaneously. In Cause No. 4:04cv10, Appellant Enodis is appealing an Order of the United States Bankruptcy Court for the Northern District of Indiana, Honorable Robert E. Grant presiding, dated January 9, 2004, overruling the Objection filed by Enodis upon the ground that Enodis lacks standing in this bankruptcy case pursuant to 11 U.S.C. §502(d). In Cause No. 4:04cv25, Appellant Enodis is appealing an Order of the United States Bankruptcy Court for the Northern District of Indiana, Honorable Robert E. Grant presiding, dated February 3, 2004, concluding that a mandatory injunction was not appropriate and dismissing the adversary proceeding.

The same issue is involved in both matters, whether the Bankruptcy Court erred in holding that Enodis did not have standing to challenge the conduct of Appellee by reason of disability created by Section 502(d) of the Bankruptcy Code. However, it is too late for Enodis to use the January 9, 2004, and the February 3, 2004 rulings as a basis for appealing the Bankruptcy Court's prior finding that Enodis lacks standing to participate in these matters. *See*,

