

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

IN RE:)
)
CONSOLIDATED INDUSTRIES CORP.,) Bankruptcy No. 98-40533
)
Debtor.) CHAPTER 7 PROCEEDING
_____)

ENODIS CORPORATION'S MOTION TO ENLARGE ITS TIME TO FILE A BRIEF IN OPPOSITION TO THE TRUSTEE'S MOTION TO STRIKE ENODIS' OBJECTION TO THE TRUSTEE'S MOTION TO COMPROMISE THE CLAIMS OF SHERILL AND BOBBI VANSANT UNTIL 14 DAYS AFTER A RULING BY THE UNITED STATES COURT OF APPEALS ON ENODIS' APPEAL FROM THE DISMISSAL OF ITS ADVERSARY PROCEEDING SEEKING A MANDATORY INJUNCTION TO COMPEL THE TRUSTEE TO PRESENT A MORE FAVORABLE SETTLEMENT TO BANKRUPTCY COURT FOR APPROVAL

Objector Enodis Corporation, ("Enodis") respectfully moves pursuant to Bankruptcy Rule 9006(b) for an enlargement of time within which to file its brief in opposition to the Trustee's Motion to Strike its Objection to the Trustee's pending Motion to Compromise claims being asserted by Sherill and Bobbi Vansant (the "Vansants") until 14 days after the United States Court of Appeals for the Seventh Circuit rules on its appeal from the dismissal of Adversary Proceeding No. 03-4004 in which Enodis sought a mandatory injunction compelling the Trustee to seek this Court's approval of a more favorable compromise than the one that is the subject of the Trustee's pending motion. In support of its motion for an enlargement of time Enodis respectfully states:

1. On March 25, 2004, this Court entered an order deferring proceedings concerning the Trustee's Motion regarding compromising certain claims of the Vansants pending a decision from the United States District Court for the Northern District of Indiana in *Enodis*

Corporation v. Freeland, Case No. 4:04-CV-10AS, because that case appeared to involve a potentially dispositive issue concerning the Trustee's motion to strike.

2. The District Court issued its decision on May 3, 2004.

3. Enodis filed a timely notice of appeal to the United States Court of Appeals for the Seventh Circuit and pursuant to a scheduling order of that Court will file its Appellant's Brief on July 8, 2004.

4. For the very same reasons that this Court held that it was appropriate to defer proceedings pending a ruling of the District Court, Enodis respectfully submits that it is appropriate to defer proceedings pending a ruling by the Court of Appeals.

5. On July 7, 2004, this Court entered an order directing Enodis to file a brief in opposition to the Trustee's motion to strike its objection to the Trustee's motion to compromise with the Vansants within 14 days.

7. Enodis respectfully requests that its time to file this brief be enlarged until 14 days after the Court of Appeals renders a decision on its appeal from the aforesaid orders of this Court and the District Court because that ruling could potentially be dispositive of both (a) the Trustee's Motion to Strike Enodis' Objection to the Trustee's Motion to Compromise and (b) Enodis Objection to the Trustee's Motion to Compromise.

Dated: July 19, 2004

Respectfully submitted,

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