

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN RE: CASE NO. 04-15482 )  
)  
INTERIORS BY PRISCILLA & PERRY, INC. )  
)  
Debtor )  
)  
)  
YVETTE GAFF KLEVEN, TRUSTEE )  
)  
Plaintiff )  
)  
vs. ) PROC. NO. 06-1194  
)  
)  
GARY A. FRICK, ET. AL. )  
)  
Defendants )

**DECISION AND ORDER**

At Fort Wayne, Indiana, on October 18, 2006

The trustee initiated this adversary proceeding by filing a complaint against the recipients of a number of allegedly improper transfers made by the debtor. One of the defendants, American General Finance, Inc., responded by filing a motion to dismiss Count IV of the trustee's complaint. This motion has been filed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and argues that the plaintiff has failed to plead fraud with particularity and that the trustee has not identified a qualifying creditor in whose shoes she can stand, because the only creditor identified by the trustee did not timely file a proof of claim. It is that motion and responses filed thereto which is presently before the court.

Two of the other defendants, Gary and Rebecca Frick, filed a nearly identical motion asking the court to dismiss Count IV for precisely the same reason and making the same arguments. That

motion was denied by the court's order of October 6, 2006. Quite simply, what is good for the Fricks is good for American General Finance, Inc.

The motion to dismiss is DENIED and defendant, American General Finance, Inc., shall answer the plaintiff's complaint within ten (10) days of this date.

SO ORDERED.

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