

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)

JAMES A. SIMON)

Debtor)

CASE NO. 06-10150
CHAPTER 7 INVOLUNTARY

DECISION AND ORDER
ON RENEWED MOTION FOR SUMMARY JUDGMENT

At Fort Wayne, Indiana, on July 13, 2007

As the court noted in its previous decision on the debtor's earlier motion for summary judgment, there are genuine issues of material fact as to the number of the alleged debtor's creditors. In light of that, a ruling at this time, one way or the other, as to how many petitioning creditors there are will not eliminate the need for the scheduled trial. Debtor's most recent motion for summary judgment is therefore DENIED. The petitioning creditors' motion to strike is therefore MOOT.

SO ORDERED.

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