

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

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

**DECISION AND ORDER DENYING OBJECTION TO CLAIM**

At Fort Wayne, Indiana, on November 1, 2007

The trustee has objected to three claims filed on behalf of Accumetric, LLC designated by the clerk as claim numbers 168, 186 and 290. There has been no response to this objection within the time required by the local rules of this court, N.D. Ind. L.B.R. B-3007-1(b), and the matter is now before the court.

As for claim number 168, the trustee's objection states that it "should be allowed as a general unsecured claim in the amount of \$619.35." Unfortunately, the trustee does not identify what the problem with this particular claim might be. See, N.D. Ind. L.B.R. B-3007-1(b) ("An objection to a proof of claim shall . . . state with specificity the basis for disallowance or allowance in an amount . . . other than that claimed.") See also, Fed. R. Bankr. P. Rule 9013 ("A motion shall state with particularity the grounds therefore and the relief sought."). Claims are deemed allowed unless objected to. See, 11 U.S.C. § 502(a). If there is no problem with a particular claim, nothing needs to be done. But, if there is a problem, "to be proper, an objection to a proof of claim must allege facts which, if accepted as true, would trigger one of the statutory reasons for denying a claim. If it does not, the objection should not be sustained. This remains true even if the creditor lacks sufficient interest to respond." In re Taylor, 289 B.R. 379, 384 (Bankr. N.D. Ind. 2003). All the

trustee has done is object to the claim, he has not explained why. This is not sufficient.

As to claim number 186, the trustee asks that it be denied because it has been “superseded, amended and/or duplicated” by claim number 290. Unfortunately, he does not specify which shortcoming he is complaining about, and it matters. If claim number 186 has been duplicated by claim number 290 - so that the creditor has literally filed the same claim twice - the objection is well taken. The creditor is entitled to only one claim against the estate. If, however, claim number 186 has been superseded by claim number 290, the trustee does not even need to address it. It is no longer pending before the court and of no further force or effect. Cf. 188 LLC v. Trinity Industries, Inc., 300 F. 3d 730,736 (7th Cir. 2002) (“An amended pleading ordinarily supersedes the prior pleading. The prior pleading is in effect withdrawn . . . and becomes functus officio.”); Kelley v. Crosfield Catalysts, 135 F. 3d 1202,1204-1205 (7th Cir. 1998) (same).

The trustee’s final objection is to claim number 290. That trustee asks that it be denied as a priority claim and allowed as a general unsecured claim in the amount of \$1,416.81. That objection is well-taken and is sustained.

IT IS THEREFORE ORDERED that:

1. The trustee’s objections to the claim numbered 168 and 186 filed on behalf of Accumetric, LLC are overruled, without prejudice.
2. The trustee’s objection to claim number 290 filed on behalf of Accumetric, LLC is sustained and that claim is denied as a priority claim, but allowed as a general unsecured claim in the amount of \$1,416.81.

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