

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

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

**DECISION AND ORDER**  
**ON MOTION FOR CLARIFICATION**

At Fort Wayne, Indiana, on May 18, 2005.

In this chapter 7 case, Enodis Corporation has objected to the trustee's motion to compromise what is referred to as the KB litigation. At the initial hearing on the matter, counsel for the parties advised the court that they believed they would be able to submit certain preliminary issues raised by the motion and objection upon stipulations of fact and briefs of counsel, and the court's order following that hearing established a mechanism by which this could be done. Unfortunately, the litigation did not unfold as counsel had hoped and they were unable to submit the anticipated stipulations. As a result the court issued a scheduling order on April 29, and established a schedule to "control the litigation of the issues raised by the trustee's motion and Enodis' objection thereto." After establishing a deadline for disclosures and discovery and the submission of a pre-trial order, the scheduling order went on to indicate that if the parties considered any changes in the schedule for the litigation to be appropriate they should, within fourteen (14) days, jointly file either a motion for a pre-trial conference or a scheduling stipulation.

Apparently, the court did not express itself clearly enough for Enodis Corporation has recently filed a motion for clarification, indicating that Enodis and the trustee cannot agree as to whether the order of April 29, encompasses all aspects of the litigation over the KB settlement or

only the more limited elements that the parties originally hoped to submit on stipulations and briefs. The court does not want to complicate or delay this matter by holding hearings in order to explore the depths of any such dispute or who might be responsible for it. It wants no part of any such bickering. Instead, it proceeds straight to the heart of the matter.

The court's order of April 29 is not limited to certain aspects of the dispute over the KB settlement. That order does not contemplate litigating the matter in steps or stages; neither does it contemplate deferring the consideration of some issues until others have been fully resolved. Had the court wanted to dissect the matter into particular components it would have said so. It did not. The schedule set forth in the order of April 29, 2005 is to control the entire litigation of all of the issues raised by Enodis Corporation's objection to the trustee's motion to compromise the KB litigation. If the court's failure to include words such as "entire" and "all" in its order has contributed to any misunderstanding which might exist, the court apologizes.

SO ORDERED.

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