

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 OVERRULING OBJECTION TO CLAIM

At Fort Wayne, Indiana, on September 25, 2008.

The trustee has objected to a claim filed on behalf of Solar Supply, Inc. which has been designated by clerk as claim no. 148. 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 before the court for a decision.

The trustee asks that it be denied because it has been “superseded and/or duplicated” by claim number 260. Unfortunately, he does not specify which shortcoming he is complaining about, and it matters. If claim number 148 has been duplicated by claim number 260 - 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 If, however, claim number 148 has been superseded by claim number 260, the trustee does not even need to address it.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 Cf., Johnson v. Dossey, 515 F.3d 778, 780 (7th Cir. 2008)(“When an amended complaint is filed, the prior pleading is withdrawn and the amended pleading is controlling.”); 188 LLC v. Trinity Industries, Inc., 300 F.3d 730, 736 (7th Cir. 2002); Kelley v. Crosfield Catalysts, 135 F.3d 1202,1204-05 (7th Cir. 1998).

IT IS THEREFORE ORDERED that the trustee’s objection to claim no. 148 filed by Solar

Supply, Inc. is overruled.

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