

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
AMI CORPORATION) CASE NO. 01-14899
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on May 31, 2005.

The trustee in this Chapter 7 case has objected to the following claims asking that they be denied as they duplicate earlier claims filed by the same creditors:

| <u>Creditor</u> | <u>Claim No.</u> (to be allowed) | <u>Claim No.</u> (to be denied) |
|----------------------------|-------------------------------------|------------------------------------|
| Ace Radiator Works | 37 | 252 |
| Fuel Systems, LLC | 107 | 270 |
| GL Corporation | 80 | 269 |
| AGA Gas, Inc. | 149 | 359 |
| Riker Products | 76 | 258 |
| Pollak Engineered Products | 164 | 249 |

There have been no responses to these objections 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.

Admittedly the creditor is entitled to only one claim against the estate, but these claims are not duplicate claims – the same claims filed twice. Instead, they each replace or amend the earlier filed claims. As a result, the original claims filed by Ace Radiator Works (claim no. 37), Fuel Systems, LLC (claim no. 107), GL Corporation (claim no. 80), AGA Gas, Inc. (claim no. 149), Riker Products (claim no. 76), and Pollak Engineered Products Grp. (claim no. 164) – have been superceded by the later filed claims – claim nos. 252, 270, 269, 359, 258, and 249 respectively. They are no longer pending before the court and of no further force or effect. See Cf., 188 LLC v. Trinity Industries, Inc., 300 F.3d 730, 736 (7th Cir. 2002) (“An amended pleading ordinarily supercedes the prior pleading. The prior pleading is in effect withdrawn. . . and becomes functus officio.”); Kelley

v. Crosfield Catalysts, 135 F.3d 1202,1204-05 (7th Cir. 1998)(same). Thus, each creditor, Ace Radiator Works, Fuel Systems LLC, GL Corporation, AGA Gas, Inc., Riker Products, and Pollak Engineered Products Grp. are asserting only one claim against the estate, not two, and the fundamental premise of the trustee's objection is incorrect.

IT IS THEREFORE ORDERED that the trustee's objections to claims 252, 270, 269, 359, 258, and 249 filed by Ace Radiator Works, Fuel Systems LLC, GL Corporation, AGA Gas, Inc., Riker Products, and Pollak Engineered Products Grp. are overruled.

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