

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN RE: CASE NO. 03-13770)
)
MAHNENSMITH CONSTRUCTION)
COMPANY, INC.)
)
Debtor)
)
MARK A. WARSCO, Trustee)
)
Plaintiff)
)
vs.) PROC NO. 04-1288
)
COMMUNITY STATE BANK)
)
Defendant.)

DECISION AND ORDER
ON MOTION FOR SUMMARY JUDGMENT

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

In this adversary proceeding, plaintiff and defendant each filed separate motions for summary judgment on the same day. Despite this, neither party responded in any meaningful fashion to the other party's motion or filed a statement of genuine issues. See, N.D. Ind. L.B.R. B-7056-1. If the court considers each motion in isolation perhaps both motions should be granted, because the material facts upon which they are based are undisputed. Id. Yet, giving each side a victory would lead to conflicting results, canceling each other out. The court is, therefore, left with little alternative other than to deny both motions.

SO ORDERED.

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