

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE: )  
 )  
FUTURISTIC FEW, INC. ) Bankruptcy Case No. 04-33752  
 )  
Debtor. )  
 )  
LAURA GRANDY, Trustee, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
WESTLEY McELROY, DELBERT )  
CONNORS, and ROBERT EDWARDS, )  
 )  
Defendants, )  
 )  
and ) Adversary Case No. 04-3332  
 )  
MARK A. HUMPHREY and )  
DONNA S. HUMPHREY, )  
 )  
Counterclaimants, )  
 )  
vs. )  
 )  
LAURA GRANDY, Trustee, )  
WESTLEY McELROY and )  
DELBERT K. CONNORS, )  
 )  
Counterdefendants. )

OPINION

This matter is before the Court concerning the issue of whether this Court has subject matter jurisdiction over the counterclaim of Mark A. Humphrey and Donna S. Humphrey against Defendants, Westley McElroy and Delbert Connors. The Court, having read the written memoranda of the parties and being otherwise fully advised in the premises, makes the following findings of fact and conclusions of law pursuant to Rule 7052 of the Federal Rules of Bankruptcy Procedure.

On February 2, 2007, the Court directed the parties to file written briefs concerning the issue of its subject matter jurisdiction over Defendants, Wesley McElroy and Delbert Connors, in regard to the counterclaim of Mark A. Humphrey and Donna S. Humphrey. On February 21, 2007, Defendant, Westley McElroy, filed a brief in which he indicated that he withdrew and waived any objection to jurisdiction of this Court with regard to the counterclaim filed by the Humphreys. A review of the record reveals that Defendant, Delbert Connors, never filed any brief or objection to jurisdiction, even though allowed to do so.

On February 23, 2007, Counterclaimants, Mark A. Humphrey and Donna S. Humphrey, filed Humphrey's Brief in Support of Subject Matter Jurisdiction. The Court has had the opportunity to review this brief and finds that it accurately supports and establishes this Court's jurisdiction over the subject matter of the counterclaim and of the personal jurisdiction over Defendants, Westley McElroy and Delbert Connors. Given the consent of Defendant, Westley McElroy, to this Court's jurisdiction and the absence of a brief from Defendant, Delbert Connors, the Court finds that it has jurisdiction both over the subject matter of the Humphreys' counterclaim and the person of Defendants, Westley McElroy and Delbert Connors.

ENTERED: March 7, 2007.

/s/Gerald D. Fines  
GERALD D. FINES  
United States Bankruptcy Judge

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ORDER

For the reasons set forth in an Opinion entered on the 7th day of March 2007;

IT IS HEREBY ORDERED that:

A. This Court finds it has both subject matter and personal jurisdiction to determine the counterclaim of Mark A. Humphrey and Donna S. Humphrey as against Counterdefendants, Westley McElroy and Delbert K. Connors; and,

B. A pre-trial hearing is scheduled in this matter for April 9, 2007, at 9:00 a.m., at the Melvin Price Federal Building and U. S. Courthouse, 750 Missouri Avenue, East St. Louis, Illinois.

ENTERED: March 7, 2007.

/s/Gerald D. Fines  
GERALD D. FINES  
United States Bankruptcy Judge