

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

In re:

Case No. 6:01-bk-09028-ABB  
Chapter 11

GOLDEN GEM GROWERS, INC.,

Debtor.

GOLDEN GEM GROWERS, INC.,

Plaintiff,

vs.

Adv. Pro. No. 6:07-ap-00108-ABB

ROOT HILL GROVES, INC.,

Defendant.

**ORDER**

This matter came before the Court on the Motion to Dismiss and/or for Summary Judgment (Doc. No. 28) filed by the Defendant Root Hill Groves, Inc. seeking dismissal of this adversary proceeding, or in the alternative summary judgment, on the basis the Plaintiff did not file its Complaint (Doc. No. 1) within the applicable statute of limitations. An Order was entered on July 16, 2008 (Main Case Doc. No. 1079) extending the Plaintiff's deadline for filing adversary proceedings to June 23, 2008 and deeming all adversary proceedings filed prior to such date timely filed. The Plaintiff's Complaint in this adversary proceeding was timely filed pursuant to the July 16, 2008 Order. The Defendant's Motion is due to be denied.

Accordingly, it is  
**ORDERED, ADJUDGED and**  
**DECREED** that the Defendant's Motion (Doc. No. 28) is hereby **DENIED**.

Dated this 5<sup>th</sup> day of August, 2008.

/s/Arthur B. Briskman  
ARTHUR B. BRISKMAN  
United States Bankruptcy Judge