

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

LITESTREAM TECHNOLOGIES, LLC,

CASE NO.: 8:04-BK-03721-KRM

Chapter 11

Debtor.

J.B. Vol. 13

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_____/

AMERICAN CAPITAL CORPORATION,
a Delaware corporation,
Plaintiff,

ADV. CASE NO.: 8:04-ap-00490-KRM

v.

TECO ENERGY, INC., a Florida
corporation, et al
Defendants.

_____/

LARRY HYMAN, as LIQUIDATING
TRUSTEE OF LITESTREAM
TECHNOLOGIES, LLC, a Florida
limited liability corporation,
Counter-Plaintiff,

v.

AMERICAN CAPITAL CORPORATION,
a Delaware corporation,
Counter-Defendant.

_____/

**ORDER GRANTING MOTION FOR JUDGMENT ON THE PLEADINGS, AND
FINAL JUDGMENT AGAINST AMERICAN CAPITAL CORPORATION**

This matter has come before the Court for consideration of the Motion for
Judgment on the Pleadings filed on behalf Defendant/Counter-Plaintiff, Larry

Hyman as Liquidating Trustee for LITESTREAM TECHNOLOGIES, LLC. Present for hearing on June 20, 2006 was Patrick T. Lennon, Esq. for the Liquidating Trustee. No one appeared for American Capital Corporation. Having considered the pleading, together with this Court's prior orders in the case, the Court finds that it has jurisdiction over the parties and the subject matter, that American Capital Corporation had admitted execution of the promissory note at issue in the counterclaim, and that all affirmative defenses offered in avoidance of liability have been stricken. Based upon the foregoing, and upon consideration of the affidavits attached to the Motion, the Court finds that the requested relief is appropriate and that Counter-Plaintiff is entitled to judgment on the promissory note against American Capital Corporation, in the amount requested. It is therefore

ORDERED, ADJUDGED and DECREED as follows:

1. The Motion for Judgment on the Pleadings is hereby GRANTED, subject to the terms and provisions set forth herein.
2. Larry Hyman, as Liquidating Trustee of LITESTREAM TECHNOLOGIES, LLC, shall have and recover the sum of **\$6,483,874.92**, representing principal and interest through June 20, 2006, from and against the Counter-Defendant, AMERICAN CAPITAL CORPORATION, whose last known address is c/o Gerald C. Parker, 625 N. Flagler Drive, Suite 605, West Palm Beach, FL 33401, together with interest thereon from this day

forward at the federal rate of interest applicable to judgments, for
all of which let execution issue.

DONE AND ENTERED in Tampa, Florida on June 20, 2006.



HONORABLE K. RODNEY MAY
United States Bankruptcy Court Judge

Copies to:

American Capital Corporation
Office of the United States Trustee
Patrick T. Lennon, Esq.
Bradford D. Kimbro, Esq.
Thomas G. Long, Esq.
Craig E. Rothburd