

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Dated this 16 day of April, 2007, in Jacksonville,
Florida.

In re:

Case No. 03-07981-GLP
Chapter 7

/s/ George L Proctor
George L. Proctor
United States Bankruptcy Judge

DONNA MARIE ENGELBRECHT,

Debtor.

_____ /

AARON R. COHEN, as Trustee for
the Chapter 7 Estate of Donna Marie
Engelbrecht,

Plaintiff,

vs.

Adv. No. 05-335-GLP

ARLINGTON HEAVY HAULING, INC.,

Defendant.

_____ /

Copies Furnished To:

Debtor
Richard R. Thames
Jeffrey R. Bankston
Aaron R. Cohen
George K. Brew
Clyde M. Collins, Jr.
United States Trustee

JUDGMENT

This proceeding is before the Court upon the complaint filed by the trustee, Aaron R. Cohen, seeking a declaratory judgment. Upon Findings of Fact and Conclusions of Law separately entered, it is

ORDERED:

1. Judgment is entered in favor of Plaintiff, Aaron R. Cohen, as Trustee for the Chapter 7 estate of Donna Marie Engelbrecht, and against, Defendant, Arlington Heavy Hauling, Inc.
2. Plaintiff is entitled to be substituted as the proper party-plaintiff in the pending state court action against the Defendant. As Plaintiff's substitution in the state court action relates back to the filing of the initial complaint, the claim is not barred by the operation of the statute of limitations.
3. Judicial estoppel is not applicable to the pre-petition claim.