

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

Case No. 96-00805-8P1
OPTICAL TECHNOLOGIES, INC.
Case No. 96-01200-8P1
RECOMM ENTERPRISES, INC.
Case No. 96-01201-8P1
RECOMM OPERATIONS, INC.
Case No. 96-01202-8P1
RECOMM INTERNATIONAL DISPLAY CORP.
LTD.
Case No. 96-01203-8P1
AUTOMATED TRAVEL CENTER, INC.
Case No. 98-02134-8P1
RECOMM INTERNATIONAL DISPLAY CORP.
Case No. 98-02135-8P1
RECOMM INTERNATIONAL DISPLAY, LTD.
Case No. 98-02136-8P1
RECOMM INTERNATIONAL CORP.

Consolidated Debtors. /

FINOVA CAPITAL CORPORATION,

Plaintiff,

vs.

Adv. Proc. No. 05-165

DANIEL C. ROYAL, JR., individually, and
d/b/a ROYAL PHARMACY

Defendants. /

ORDER DENYING PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT AND DEFENDANTS'
CROSS MOTION FOR SUMMARY JUDGMENT

THE MATTER under consideration in these confirmed Chapter 11 cases of Optical Technologies, Inc., and its several affiliates, collectively referred to as the RECOMM Debtors, is a Motion for Summary Judgment (Doc. No. 16) filed by the Plaintiff, FINOVA Capital Corporation, and a Cross Motion for Summary Judgment (Doc. No. 21) filed by the Defendants, Daniel C. Royal, Jr., individually and d/b/a Royal Pharmacy.

The record reveals that this Court entered orders in similar adversary proceedings filed by FINOVA against other entities deferring ruling on a Motion to Dismiss and granting a Motion to Abate

which abated all further actions in those adversary proceedings until the resolution of the several appeals currently pending before the Court of Appeals for the Eleventh Circuit which involve the identical factual and legal issues as the current matter.

Based on the foregoing, this Court is satisfied that for the sake of judicial economy and for the sake of avoiding the possibility that the Eleventh Circuit will decide contrary to what this Court may decide which would, no doubt, spawn additional wasteful appeals, it is appropriate to deny the Motions for Summary Judgment, without prejudice, and abate the proceedings in this Adversary Proceeding pending a ruling by the Eleventh Circuit.

Accordingly, it is

ORDERED, ADJUDGED AND DECREED that the Plaintiff's Motion for Summary Judgment be, and the same is hereby, denied, without prejudice. It is further

ORDERED, ADJUDGED AND DECREED that the Defendants' Motion for Summary Judgment be, and the same is hereby, denied, without prejudice. It is further

ORDERED, ADJUDGED AND DECREED that the proceedings are hereby abated until the United States Court of Appeals for the Eleventh Circuit has ruled on the related appeal, FINOVA v. Larson, et al., case no. 03-15756-JJ. This Court will hear any appropriate motions following the Eleventh Circuit ruling.

DONE AND ORDERED at Tampa, Florida,
on September 23, 2005.

/s/ Alexander L. Paskay
ALEXANDER L. PASKAY
United States Bankruptcy Judge