

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.

Debtors.

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FINOVA CAPITAL CORPORATION,

Plaintiff,

vs.

Adv. Proc. No. 02-110

JON MARTIN, Individually, and ANCHA, INC.,  
Doing Business As ROGER PHARMACY

Defendants.  
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**ORDER DENYING DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT AND DENYING  
FINOVA CAPITAL CORPORATION'S  
RENEWED MOTION FOR SUMMARY**

(Doc. No. 63 and 68)

THE MATTERS under consideration in these confirmed Chapter 11 cases of Optical Technologies, Inc., and its several affiliates, collectively referred to as the RECOMM Debtors, are Defendant's Motion for Summary Judgment (Doc. No. 63) and a Renewed Motion for Summary

Judgment (Doc. No. 68) filed by Finova Capital Corporation, the Plaintiff in the above-captioned adversary proceeding.

It is the conclusion of this Court that the crucial issue, the adequacy of notice, is not suitable for a summary disposition. Based on the foregoing, the Defendant's Motion for Summary Judgment and Finova Capital Corporation's Renewed Motion for Summary Judgment are hereby denied.

Accordingly it is

ORDERED, ADJUDGED AND DECREED that Finova Capital Corporation's Renewed Motion for Summary Judgment (Doc. No. 68) be, and the same is hereby, denied. It is further

ORDERED, ADJUDGED AND DECREED that the Defendant's Motion for Summary Judgment (Doc. No. 63) be, and the same is hereby, denied. It is further

ORDERED, ADJUDGED AND DECREED that a pretrial conference shall be held on February 21, 2006, beginning at 1:30 p.m. at Courtroom 9A, Sam M. Gibbons United States Courthouse, 801 N. Florida Ave., Tampa, Florida, to schedule the matter for trial.

DONE AND ORDERED at Tampa, Florida,  
on 2/3/2006.

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