

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

In re:

PRO GREENS,

Case No. 8:02-bk-02422-ALP

Debtor, /

SYNDICATE EXCHANGE CORP.,

Plaintiff,

v.

Adv. Pro. No. 02-502

LAWRENCE LANE, GERRY MINEAR,  
TURF TIME, LLC, and TURF TIME, INC.,

Defendant. /

SYNDICATE EXCHANGE CORP.,

Plaintiff,

v.

Adv. Pro. No. 02-503

FORD MOTOR CREDIT COMPANY  
A Delaware Corporation ; TURF TIME,  
LLC, a Florida Limited Liability Company;  
TURF TIME, INC., a Florida Corporation;  
GERRY MINEAR, an individual; and  
LARRY LANE, an individual,

Defendant./

**ORDER ON MOTIONS FOR  
RECONSIDERATION OF  
(1) FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND MEMORANDUM OPINION AND (2)  
OMNIBUS ORDER SUSTAINING  
OBJECTIONS TO CLAIMS**

(Doc. No. 239 in Adv. No. 02-502  
and Doc. No. 269 in Adv. No. 02-503)

THE MATTERS under consideration in this Chapter 7 liquidation case of Pro Green, Inc. are two Motions filed by Syndicate Exchange Corp. (Syndicate) in two separate adversary proceedings. In one, Syndicate has a pending suit against Lawrence Lane; Gerry Minear; Turf Time, LLC and Turf Time, Inc., which bears adversary proceeding

number 02-502. In the other, Syndicate asserts claims against Ford Motor Credit Company, Turf Time, Inc., Gerry Minear, and Lawrence Lane, bearing adversary proceeding number 02-503.<sup>1</sup>

Syndicate seeks a new trial pursuant to Rules 9023 and 9024 of the Federal Rules of Bankruptcy Procedure and Rules 59 and 60 of the Federal Rules of Civil Procedure. The Motions for Reconsideration are addressed to: 1) Findings of Fact, Conclusions of Law and Memorandum Opinion (Doc. No. 233 in Adv. No. 02-502 and Doc. No. 263 in Adv. No. 02-503), and 2) Omnibus Order Sustaining Objections to Testimony (Doc. No. 235 in Adv. No. 02-502 and Doc. No. 262 in Adv. No. 02-503) entered by this Court in the two above-captioned adversary proceedings on October 25, 2004.

It should be noted at the outset that no final judgment has been entered in either of the two adversary proceedings based on the Findings of Fact, Conclusions of Law and Memorandum Opinion, thus, both Motions are premature. However, in order to avoid any renewed arguments on the points presented by the two Motions, this Court is satisfied that it is appropriate to deal with the issues raised notwithstanding that no final judgment has been entered yet.

Syndicate does not contend that the Motions are based on newly discovered evidence, but contends that this Court committed a manifest error of law and a manifest error of fact and, therefore, pursuant to Federal Rule of Civil Procedure 60(b) as adopted by Federal Rule of Bankruptcy Procedure 9024(b), this Court should reconsider the Findings of Fact, Conclusions of Law, and Memorandum Opinion and the Omnibus Order Sustaining the Objections to Testimony. Syndicate requests that this Court schedule an oral argument and grant any other relief this Court deems appropriate.

At the duly scheduled hearing on these Motions, this Court heard extensive argument of counsel for Syndicate and opposition to the Motions by counsel for the Defendants. Having considered the record *de novo*, including the trial transcript and the documentary evidence offered and admitted into

<sup>1</sup> There are two separate proceedings, Adv. Proc. No. 02-502 and 02-503. This Court conducted a final evidentiary at the same time. This opinion will address both adversary proceedings. Reference to docket entries for each adversary proceeding will be referenced accordingly.

evidence, this Court is satisfied that neither the Findings of Fact, Conclusions of Law and Memorandum Opinion nor the Omnibus Order contained any manifest error of fact and law. Even if this Court committed errors, a point not conceded, these errors could be corrected on appeal when there is a final judgment entered based on the Findings of Fact, Conclusions of Law and Memorandum Opinions in these two adversary proceedings.

Accordingly, it is

ORDERED, ADJUDGED AND DECREED that the Motions for Reconsideration of the Omnibus Order Sustaining Objections to Testimony be, and the same is hereby, denied. It is further

ORDERED, ADJUDGED AND DECREED that the Motions for Reconsideration of the Findings of Fact, Conclusions of Law, and Memorandum Opinion be, and the same are hereby, denied. It is further

DONE AND ORDERED at Tampa, Florida on January 4, 2005.

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