

SIGNED.



Dated: November 26, 2008

James M. Marlar
JAMES M. MARLAR
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re:) Chapter 7
GRECO-ROMAN, INC.,) No. 0-06-bl-00247-JMM
Debtor.) **MEMORANDUM DECISION**

On November 19, 2008, this court held a hearing on the objections to a form of order presented by Tesoro Refining and Marketing Company ("Tesoro") (relating back to Dkt. #61), which related to relief granted by this court by minute entry on May 25, 2007, about 18 months ago (Dkt. #78). At that hearing, the court granted Tesoro's motion.

For some reason, the form of order was initially lodged on October 7, 2007 (4 1/2 months after the hearing), but the order was never signed by the court.

Then on November 3, 2008 thirteen (13) months after lodging it, Tesoro asked for a hearing to decide on the issues presented by the form of order. Then, objections to the form of order were filed by Snakebite Leasing and Bank of America ("Bank") ((Dkts. #95 and #96 filed November 12 and 17, 2008, respectively).

Both the Bank and Snakebite are concerned that the present form of order alters the *status quo* relating to a separate lawsuit in which they and the Trustee are involved (Adversary No. 0-07-ap-00009). They worry that the form of order (as well as its substance) can be used by the Trustee to gain an advantage in the adversary proceeding that the Trustee does not currently possess.

1 The court appreciates the worries expressed by Snakebite and the Bank, that if the
2 wrong order is entered, their respective legal rights in the adversary proceeding will be changed by
3 expanding and enlarging the relief sought by the Trustee therein. The court feels that an easy
4 solution exists for such concerns

5 It appears to the court that it is time (and was when this court granted Tesoro's motion
6 18 months ago), to simply cut the Gordian knot which currently keeps the case from moving
7 forward.

8 To the extent that any rights of the Bank or Snakebite are being adversely affected by
9 a simple recitation of whose assets the Trustee is administering, this court (with the parties' help)
10 can sort these concerns out once the matter gets to trial.

11 Accordingly, an order will be entered which:

12 1. Acknowledges that the bankruptcy estate consists of all assets owned,
13 legally or equitably, by:

- 14 • Greco-Roman, Inc.
- 15 • Sellers Petroleum
- 16 • Trinity Oil, Inc.
- 17 • ~~Trinity Oil Company~~
- 18 • White Dove Group
- 19 • McNanna, Inc

20 which entity or entities, singly, interchangeably or collectively,
21 used the following employer identification numbers.

- 22 • EIN/TIN 20-0520514
- 23 • EIN/TIN 20-0520480

24 2. Directs the Clerk of Court to add such names and identification
25 numbers to the caption of this case.

26 3. Empowers the Trustee to collect and distribute the assets of such
27 entities to a single creditor pool (if renoticing to creditors is required,
28 the Trustee is ordered to do so within 20 days).

4. Any and all defenses available to the Bank or Snakebite, based in any manner upon confusion related to corporate or trade names or identification numbers shall be preserved to the Bank and Snakebite in Adversary No. 0-07-ap-00009, and such defenses are preserved for trial.
5. Directs that there shall be no alteration of the existing pleadings or captions in Adversary No. 0-07-ap-00009.
6. Directs the Trustee to conclude this case as soon as possible.

A separate order will be entered in the administrative portion of this case. It is the intent of this court that the order will be a final order, for purposes of appeal. Any appeal must be taken within ten days of its entry on the docket. FED. R. BANKR. P. 8002.

DATED AND SIGNED ABOVE.

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