

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

In re

Case No. 9:08-bk-04360-ALP

ULRICH FELIX ANTON ENGLER,
PRIVATE COMMERCIAL OFFICE, INC.,

Chapter 7 Case
(Substantively Consolidated)

Debtors.

ORDER DENYING (1) MOTION TO SUBSTANTIVELY CONSOLIDATE NON-DEBTOR DOUGLAS INVESTMENTS, LLC WITH AND INTO THE DEBTORS' BANKRUPTCY ESTATES (DOC. 212); (2) MOTION FOR RECONSIDERATION OF ORDER GRANTING TRUSTEE'S MOTION TO APPROVE COMPROMISE OF CONTROVERSY AND SETTLEMENT (DOC. 363); AND (3) MOTION FOR JUDICIAL NOTICE OF DISTRICT COURT ACTION IN CONNECTION WITH FINAL EVIDENTIARY HEARING ON THE MOTION TO CONSOLIDATE (DOC. 409)

THIS CAUSE came on before the Court for an evidentiary hearing on June 17 and 18, 2010 and July 9, 2010, on the Motion To Substantively Consolidate Non-Debtor Douglas Investments, LLC with and into the Debtors' Bankruptcy Estates (Doc. 212) (the "Motion to Consolidate") filed by Robert E. Tardif, Jr., as the Chapter 7 Trustee for the substantively consolidated estates of Ulrich Felix Anton Engler, Private Commercial Office, Inc., and PCO Client Management, Inc. (hereinafter the "Trustee"); the Motion for Reconsideration of Order Granting Trustee's Motion to Approve Compromise of Controversy and Settlement and Opposition to Trustee's Motion to Substantially Consolidate Non-Debtor Douglas Investments, LLC with and into Debtor's Bankruptcy Estates (Doc. 363) (the "Motion for Reconsideration") filed by Fidelity National Financial, Inc. and Fidelity National Timber Resources, Inc. (collectively, the "Fidelity Respondents"); the Trustee's Response in Opposition to the Motion for Reconsideration (Doc. 368); and the Trustee's Motion for Judicial Notice of District Court Action in Connection With Final Evidentiary Hearing on the Motion to Consolidate (Doc. 409)

("Motion for Judicial Notice"). This Court having admitted both documentary and testimonial evidence, having heard argument by counsel for the parties, and being otherwise duly advised in the premises, and for the reasons stated orally and recorded in open Court, which shall constitute the decision of this Court, it is hereby ORDERED and ADJUDGED as follows:

1. The Motion to Consolidate is hereby **DENIED**;
2. The Motion for Reconsideration is hereby **DENIED** as moot as a result of the Fidelity Respondents' withdrawal in open court of the Motion for Reconsideration; and
3. The Trustee's Motion for Judicial Notice is hereby **DENIED** as moot as a result of the Trustee's decision to not pursue the matters sought to be judicially noticed during its evidentiary presentation on the Motion to Consolidate.

DONE AND ORDERED at Tampa, Florida on August 03, 2010.



Honorable Michael G. Williamson
United States Bankruptcy Judge

Copies furnished to:

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