

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:

TAYLOR, BEAN & WHITAKER
MORTGAGE CORPORATION, *et al.*,

Debtors.

CASE NO.: 3:09-bk-7047-JAF
Jointly Administered Under Chapter 11

**ORDER DENYING JAY D. OYLER'S MOTION TO CONTINUE FINAL
EVIDENTIARY HEARING ON THE PLAN TRUSTEE'S OBJECTION TO CLAIM
NUMBERS 3414 AND 3493**

This case is before the Court on Jay D. Oyler's motion to continue, for sixty (60) to seventy-five (75) days, the final evidentiary hearing on the Plan Trustee's Objection to Claim Numbers 3414 and 3493, scheduled for June 26, 2013 (Doc. 7391, the "Motion"; *see also* the Plan Trustee's Objection to Claims, Doc. 5895). The Plan Trustee filed a response in opposition to the Motion (Doc. 7396, the "Response").

In support of the Motion, Mr. Oyler maintains he requires additional time to acquire information/evidence that has "now become available" to him (Doc. 7391). Mr. Oyler neither provides details regarding such information/evidence, nor does he state how it has only now become available to him. The Court would note that Mr. Oyler's claims (Nos. 3414 and 3493) have been pending since May 4, 2011 and November 21, 2011, respectively. The June 26, 2013 final evidentiary hearing was set at a preliminary, scheduling hearing held on November 16, 2012 (Doc. 6564).¹ In addition, Mr. Oyler does not explain why he requires a "discovery hearing." In the

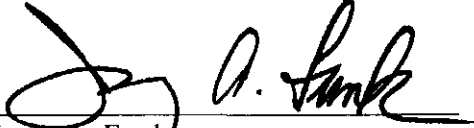
¹ In the Motion, Mr. Oyler maintains his constitutional rights entitle him to a preliminary hearing prior to any evidentiary hearing (Doc. 7391 at 1).

Response, the Plan Trustee states Mr. Oyler has not contacted him since November 2012 and that he has not requested any documents during that time (Doc. 7396 at 2).

Based on the foregoing, and no cause for a delay of the proceedings having been shown, it is **ORDERED**:

The Motion (Doc. 7391) to continue the final evidentiary hearing on the Plan Trustee's Objection to Claims Nos. 3414 and 3493, scheduled for June 26, 2013, is denied.

DATED this 24th day of June, 2013 in Jacksonville, Florida.


Jerry A. Funk
United States Bankruptcy Judge

Copies to:

All interested parties