

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

IN RE:

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

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

Debtors.

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**ORDER DENYING PRO SE CLAIMANTS', LARRY STOUT AND TAMMY STOUT,  
MOTION FOR RECONSIDERATION OF THE COURT'S ORDERS SUSTAINING  
OBJECTIONS TO CLAIM NUMBERS 3472, 3494, 3419**

This case is before the Court upon pro se Claimants' Larry Stout and Tammy Stout<sup>1</sup>, Objection to Neil Luria's Denialing [sic] Claims and to Compel the Court to Read Pro Se Litigants [sic] Documents, and Protect Our Due Process and Constitutional Rights. (Doc. 7476). The Court will construe Claimants' pleading as a motion for reconsideration of the Court's orders sustaining objections to claim numbers 3472, 3494, 3419 filed by Larry and Tammy Stout. (Docs. 7448, 7449, 7450). The reconsideration of disallowed claims is governed by 11 U.S.C. § 502(j) and Federal Rule of Bankruptcy Procedure 3008.<sup>2</sup> Section 502(j) states, in relevant part, that "[a] claim that has been allowed or disallowed may be reconsidered for cause." A determination of the presence or absence of cause is within the "sound discretion" of the court. Matter of Fox, 64 B.R. 148, 152 (Bankr. N.D. Ohio 1986). Furthermore, "[i]t is incumbent upon the [movants] who seek to have an order reconsidered to allege in their [motion] facts justifying

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<sup>1</sup> Claimants styled this pleading to indicate that it was filed by Sandy S. Smith, Michael R. Elliot, Dianna L. Elliot, Jay D. Oyler, Larry W. Stout, Tammy Stout, Jeff Gorrell and Darlene Gorrell. (Doc. 7476). However, the pleading was signed only by Larry W. Stout and Tammy Stout. (Doc. 7476).

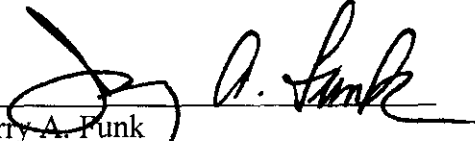
<sup>2</sup> Rule 3008 provides that "[a] party in interest may move for reconsideration of an order allowing or disallowing a claim against the estate."

the reconsideration of the order.” McLeod v. Boone, 91 F.2d 71, 74 (9th Cir. 1937). Upon review of Claimants’ pleading, the Court concludes that Claimants failed to allege facts justifying reconsideration. For this reason, the motion for reconsideration is denied and to the extent the pleading seeks any other relief, it is also denied.

Accordingly, it is **ORDERED**:

1. Claimants’ motion for reconsideration is denied.
2. To the extent the pleading seeks any other relief, it is denied.

DATED this 7 day of August, 2013 in Jacksonville, Florida.

  
Jerry A. Funk  
United States Bankruptcy Judge

Copies to:  
Alisa Paige Mason, Esq.

Attorney, Alisa Paige Mason, is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.