

**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.

**ORDER DENYING PRO SE CLAIMANTS', MICHAEL AND DIANNA ELLIOTT,
MOTION FOR RECONSIDERATION OF THE COURT'S ORDER SUSTAINING
OBJECTION TO CLAIM NUMBER 3497**

This case is before the Court upon pro se Claimants' Michael and Dianna Elliott¹, Objection to Neil Luria's Denial of [sic] Claims and to Compel the Court to Read Pro Se Litigants [sic] Documents, and Protect Our Due Process and Constitutional Rights. (Doc. 7485). The Court will construe Claimants' pleading as a motion for reconsideration of the Court's order sustaining objection to claim number 3497 filed by Michael and Dianna Elliott. (Doc. 7532). The reconsideration of disallowed claims is governed by 11 U.S.C. § 502(j) and Federal Rule of Bankruptcy Procedure 3008.² 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 the reconsideration of the order."

¹ 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 Michael and Dianna Elliott. (Doc. 7476).

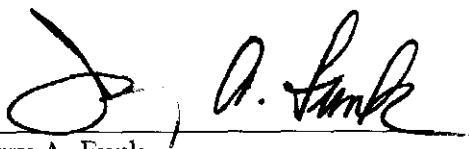
² Rule 3008 provides that "[a] party in interest may move for reconsideration of an order allowing or disallowing a claim against the estate."

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 18 day of September, 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.