

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



In re:

R. Brown and Sons, Inc.
Debtor.

Chapter 11 Case
13-10449

Appearances: Ray Obuchowski, Esq.
Jennifer Emens-Butler, Esq.
Obuchowski and Emens-Butler, PC
Bethel, Vermont
For the Debtor-in-Possession

Andre Bouffard, Esq.
Downs Rachlin Martin, PLLC
Burlington, Vermont
For Rathe Salvage, Inc.

Stephen J. Craddock, Esq.
Berlin, Vermont
For La Roche Towing and Recovery, Inc.

ORDER
DENYING MOTION FOR RECONSIDERATION AND CANCELLING HEARING

For the reasons set forth in the memorandum of decision of even date,


THE COURT FINDS that movant, La Roche Towing and Recovery, Inc., has not identified any intervening change of controlling law, pointed to the availability of new evidence, or persuaded the Court that it must modify its earlier decision to correct a clear error or prevent manifest injustice.

THE COURT FURTHER FINDS that the movant has hence failed to demonstrate grounds for this Court to reconsider its determination that under Vermont law New England Quality Service, Inc. d/b/a Earth Waste and Metal Systems and La Roche Towing and Recovery, Inc. were acting as agents of the Sheriffs, and therefore, under the Bankruptcy Code, are creditors of the Debtor.

Therefore, IT IS HEREBY ORDERED that motion for reconsideration filed by La Roche Towing and Recovery, Inc. (doc. # 74) is denied.

IT IS FURTHER ORDERED that the evidentiary hearing on La Roche Towing and Recovery, Inc.'s motion for reconsideration, set for August 27, 2013, is cancelled.

August 23, 2013
Burlington, Vermont


Colleen A. Brown
United States Bankruptcy Judge