

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF WISCONSIN

In the Matters of	IN BANKRUPTCY
JOHN F. BRUEGGEMAN, formerly d/b/a Contract Construction Co., Inc.	No. 79-00126 Vol.
and	
CONTRACT CONSTRUCTION CO., INC.	No. 79-00135 Vol.

Bankrupts

DIGMAN INSULATION & SUPPLY COMPANY, INC.	Plaintiff
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-vs-

JOHN F. BRUEGGEMAN, f/d/b/a Contract Construction Co. Inc.	Defendants.
and	
CONTRACT CONSTRUCTION CO., INC.	

ORDER PERMITTING ANSWER TO STAND
AND DENYING APPLICATION FOR DEFAULT JUDGMENT

The plaintiff in the above entitled matters having duly filed a complaint to determine dischargeability of debt and for judgment in the sum of \$50,000.00 against each of the bankrupts-defendants; and thereafter motions were filed to dismiss the complaint; and a pre-trial hearing on said motions having been duly noticed and thereafter adjourned to the further order of the Court; and a hearing having been duly held on the 22nd day of May, 1980, pursuant to notice, as to whether or not the answer filed by the defendants on the 6th day of May, 1980, should be considered as timely filed and a trial on the issues held, or whether a default judgment should be granted in accordance with the plaintiff's motion; and the Court having heard the arguments of counsel, and having duly considered the record and all of the proceedings taken herein, and being fully advised in the premises;
FINDS:

1. That a misunderstanding occurred as to the last day for filing a complaint.

2. That said date was duly corrected.

3. That thereafter the defendants' attorney filed a motion for dismissal of the complaint in each of said actions and a pre-trial on said motion was set.

3. That upon application of defendants' attorney said matters were adjourned because of his hospitalization.

5. That thereafter a motion was filed by plaintiff for a default judgment and the defendants filed their answers herein.

6. That the equities in the matter require that the answer as filed be permitted to stand.

7. That the application for default judgment be denied and that a trial proceed on the issues.

CONCLUSIONS OF LAW

That an order be entered permitting the answer to stand, denying default judgment and directing proceeding to trial on the issues.

O R D E R

NOW, THEREFORE, IT IS ORDERED:

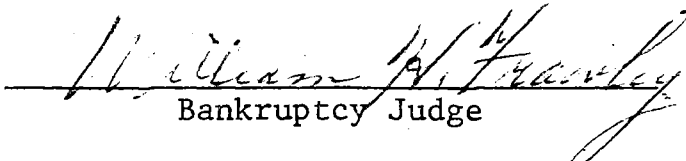
1. That the answer as filed by the defendant on the 6th day of May, 1980, is deemed to be timely filed.

2. That application for default judgment be denied.

3. That trial be forthwith noticed on the issues.

Dated: July 14, 1980.

BY THE COURT:


Bankruptcy Judge