

UNITED STATES BANKRUPTCY COURT

DISTRICT OF CONNECTICUT

*****:		PROCEEDINGS FOR
IN RE:	:	REORGANIZATION UNDER
THE KASDEN FUEL COMPANY :		
	:	CHAPTER 11
DEBTOR :		
	:	CASE NO. 10-21973 (ASD)
*****:		
HMZ ENERGY LLC :		
	:	ADVERSARY PROCEEDING NO.
PLAINTIFF :		
	:	10-02183(ASD) (LEAD/MAIN CASE)
V. :		
	:	
SACK DISTRIBUTORS CORP. & :		
THE KASDEN FUEL COMPANY :		
	:	
DEFENDANTS :		
*****:		
THE KASDEN FUEL COMPANY :		
	:	ADVERSARY PROCEEDING NO.
PLAINTIFF/OBJECTOR :		
	:	10-02362(ASD)
V. :		
	:	
SACK DISTRIBUTORS CORP. :		
	:	
DEFENDANT/CLAIMAINT :		JANUARY 5, 2011
*****:		

MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56 and Fed. R. Bankr. P. 7056, Plaintiff, HMZ Energy LLC, hereby moves for Summary Judgment on Count One of its Adversary Proceeding Complaint

dated October 4, 2010, as there is no genuine issue as to any material fact and the Plaintiff is entitled to judgment as a matter of law.

Count One alleges that Sack Distributors Corp.'s ("Sack") claim as a secured creditor should be denied. This Court should grant summary judgment on Count One because: (a) the Commercial Reserve Credit Agreement and Note dated December 14, 2000 (the "Note") and the Commercial Security Agreement dated December 14, 2000 (the "Security Agreement") do not cover the invoices which Sack alleges form the basis of its secured claim; (b) the Note expired on December 14, 2005 and all obligations as of that date have been fully paid; and (c) the Security Agreement has expired on its own terms because all of the obligations secured by the Security Agreement have been fully paid.

This Motion is supported by the accompanying Memorandum of Law filed simultaneously herewith.

PLAINTIFF,
HMZ ENERGY LLC

By /s/ Barry S. Feigenbaum
Barry S. Feigenbaum
Fed. Bar No. ct06605
Matthew T. Wax-Krell
Fed. Bar No. ct26905
Rogin Nassau LLC
Its Attorneys