

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

REVSTONE INDUSTRIES, LLC, et al.,<sup>1</sup>  
Reorganized Debtors.

Chapter 11

Case No. 12-13262 (BLS)

Jointly Administered

FRED C. CARUSO, solely in his capacity as  
the Revstone/Spara Litigation Trustee for the  
Revstone/Spara Litigation Trust,  
Plaintiff,

v.

SCOTT R. HOFMEISTER, et al.,  
Defendants.

Adv. No. 14-50977 (BLS)

FRED C. CARUSO, solely in his capacity as  
the Revstone/Spara Litigation Trustee for the  
Revstone/Spara Litigation Trust,  
Plaintiff,

v.

SCOTT R. HOFMEISTER, et al.,  
Defendants.

Adv. No. 14-50984 (BLS)

**ORDER, REPORT AND RECOMMENDATION REGARDING  
MEMORANDUM ORDER GRANTING SUMMARY JUDGMENT**

This matter having come before the the Honorable Brendan L. Shannon, Chief United States Bankruptcy Judge for the District of Delaware (the “Bankruptcy Court”) in Adv. Pro. Nos. 14-50977 (the “Revstone Action”) and 14-50984 (the “Spara Action”) on the *Trustee’s Motion for Summary Judgment Against Defendant Scott R. Hofmeister* (the “Motion”) filed by Fred C. Caruso, the Revstone/Spara Litigation Trustee for the Revstone/Spara Litigation Trust (the

<sup>1</sup> The Debtors in these chapter 11 cases and the last four digits of each Debtor’s federal tax identification numbers are: Revstone Industries, LLC (7222); Spara, LLC (6613); Greenwood Forgings, LLC (9285); and US Tool & Engineering, LLC (6450). The location of the Debtors’ headquarters and the service address for each Debtor is: Revstone Industries, LLC, et al., c/o Huron Consulting Group Inc., PO Box 1720, Birmingham, MI 48012, Attn: John C. DiDonato, Chief Restructuring Officer.

“Trustee”) in each of the Revstone and Spara Action; and the Bankruptcy Court having considered the Motion, the declarations and other evidence submitted in support of the Motion, all responses to the Motion, and the arguments presented by counsel at the hearing held on October 4, 2017 (the “Hearing”); and it appearing, for the reasons stated on the record at the Hearing and as set forth in the Court’s *Memorandum Order Granting Summary Judgment* [Revstone Action, D.I. 97, Spara Action, D.I. 96] (the “Memorandum Order”), that good cause exists to grant the relief requested in the Motion; and whereas the Defendants do not consent to the Bankruptcy Court entering a final judgment in these matters; and whereas the parties dispute whether the Revstone Action and Spara Action are core or non-core proceedings, it is hereby ORDERED that:<sup>2</sup>

1. The Memorandum Order shall constitute the Court’s proposed findings of fact and conclusions of law as required by Federal Rules of Bankruptcy Procedure 7052 and 9033 and shall be deemed to have been filed as such for procedural purposes on the date of entry of this Order.

2. For those reasons set forth in the Memorandum Order, the Bankruptcy Court hereby reports and recommends to the District Court for the District of Delaware that judgment (“Judgment”) be entered in these adversary proceedings on the First Claim for Relief of the Spara Complaint, the Second Claim for Relief of the Spara Complaint, the First Claim for Relief of the Revstone Complaint and the Second Claim for Relief of the Revstone Complaint against Defendant Scott R. Hofmeister, and in favor of the Trustee, in the total amount of \$194,999.94.

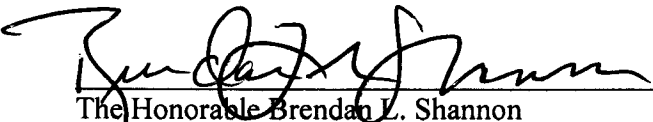
---

<sup>2</sup> Capitalized terms not defined herein shall have the meanings ascribed to such terms in the Motion.

3. Post-judgment interest on the amount of the Judgment shall accrue and be payable by Scott R. Hofmeister to the Trustee at the federal rate from the date of entry of the Judgment to the date the Judgment is paid in full.

4. Pursuant to Federal Rule of Bankruptcy Procedure 9033(b) and Local Rule 9033-1, the Clerk of the Bankruptcy Court is directed to submit this *Order, Report and Recommendation Regarding Memorandum Order Granting Summary Judgment* to the United States District Court for the District of Delaware for consideration upon the expiration of time for filing objections and any responses thereto.

Dated: Nov 30, 2017

  
The Honorable Brendan L. Shannon  
Chief United States Bankruptcy Judge

## Notice Recipients

District/Off: 0311-1  
Case: 14-50984-BLS

User: Lesa  
Form ID: pdfsjo

Date Created: 11/30/2017  
Total: 9

### Recipients of Notice of Electronic Filing:

aty	Andrew James Huber	ajhuber@thewillifordfirm.com
aty	Colin Robinson	crobinson@pszjlaw.com
aty	Colin R. Robinson	crobinson@pszjlaw.com
aty	Evan O Williford	evanwilliford@thewillifordfirm.com
aty	Laura Davis Jones	ljones@pszjlaw.com
aty	Sheldon Samuel Toll	sst@lawtoll.com

TOTAL: 6

### Recipients submitted to the BNC (Bankruptcy Noticing Center):

aty	Sheldon S. Toll	Sheldon S. Toll PLLC	PO Box 4296	Southfiel, MI 48037	
ust	U.S. Trustee	Office of the United States Trustee	J. Caleb Boggs Federal Building	844 King Street,	
	Suite 2207	Lockbox 35	Wilmington, DE 19801		
ust	U.S. Trustee	Office of United States Trustee	J. Caleb Boggs Federal Building	844 King Street, Suite	
	2207	Lockbox 35	Wilmington, DE 19899-0035		

TOTAL: 3