

## MEMORANDUM

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**TO: ALL COUNSEL**

**FROM: HON. EDWIN M. KOSIK**

**RE: COMERICA BANK v. STATE PETROLEUM DISTRIBUTORS, INC.,  
et al., No. 08-CV-678**

**DATE: NOVEMBER 14, 2008**

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I am not exactly sure where we are going in this case. At a management conference in August there was discussion about the need for discovery before addressing a summary judgment motion. To facilitate this we dismissed the summary judgment motion (to avoid accounting for any delays in disposition) and provided for the necessary discovery over a thirty day period. If necessary, the motion could be renewed.

While he have heard nothing on the former, we do have the renewed motion for appointment of a receiver and for an injunction. We seem to have all we need to address this motion.

Barring any question of a genuine issue of material fact the summary judgment motion can at least address Counts I, II and III of the Comerica Complaint. If there is a factual impediment, we could move to trial on the respective counts.

If the renewed motion for a receiver is granted, we will be confronted with the task of naming a receiver and stating the individuals appropriate authority. If the renewal motion is denied, we will turn to the summary judgment, if renewed, and/or the trial on the three

counts alluded to earlier.

You have the benefit of my assessment. Please feel free to give me yours.

EMK/rd