

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF KENTUCKY
PIKEVILLE

IN RE:

BLACK DIAMOND MINING COMPANY, LLC

CASE NO. 08-70066

THE CIT GROUP/COMMERCIAL SERVICES, INC.

PLAINTIFF

v.

ADV. NO. 08-7017

CONSTELLATION ENERGY COMMODITIES GROUP, INC.
CONSTELLATION ENERGY GROUP, INC.

DEFENDANTS

**ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
AND DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

In conformity with the findings of fact and conclusions of law contained within the Opinion simultaneously entered in the record of this adversary proceeding [Doc. 243],

IT IS HEREBY ORDERED the Motion for Summary Judgment filed by Defendants Constellation Energy Commodities Group, Inc. and Constellation Energy Group, Inc., [Doc. 115], is GRANTED.

IT IS FURTHER ORDERED the Motion for Summary Judgment filed by Plaintiff The CIT Group/Commercial Services, Inc., [Doc. 114], is DENIED.

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***The affixing of this Court's electronic seal below is proof this document has been signed by the Judge and electronically entered by the Clerk in the official record of this case.***



**Signed By:**  
***Joe Lee***  
**Bankruptcy Judge**  
**Dated: Friday, June 28, 2013**  
**(jl)**