

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF )  
 )  
INDIANA REFRIGERATOR LINES, ) CASE NO. BK81-86  
INC., )  
 )  
DEBTOR ) A81-665  
 )  
MBPXL CORPORATION, )  
 )  
Plaintiff )  
 )  
vs. )  
 )  
INDIANA REFRIGERATOR LINES, )  
INC., )  
 )  
Defendant )

MEMORANDUM

This matter having come on for trial upon the merits and evidence having been presented, I make the following findings of fact:

1. That jurisdiction hereof is proper in this Court by virtue of 28 U.S.C. 1471;
2. That plaintiff is a corporation organized and existing under and by virtue of the laws of the State of Indiana with its principal place of business in Wichita, Sedgwick County, Kansas;
3. That defendant is a corporation organized and existing under and by virtue of the laws of the State of Delaware with its principal place of business in Denver, Denver County, Colorado;
4. That plaintiff is engaged in the business of preparation and sale of boxed meat;
5. That defendant is a common carrier of goods for hire in interstate commerce;
6. That on or about October 9, 1980, plaintiff tendered and delivered to defendant and defendant received and accepted from plaintiff at the facility of plaintiff in Wichita, Kansas, five hundred eighty-one (581) boxes of beef weighing approximately thirty-four thousand eighty-five (34,085) pounds for transportation in interstate commerce from Wichita, Kansas,

to Roger Williams' Grocery, Cumberland, Rhode Island, pursuant to the contract of carriage set forth in the Bill of Lading issued for said load;

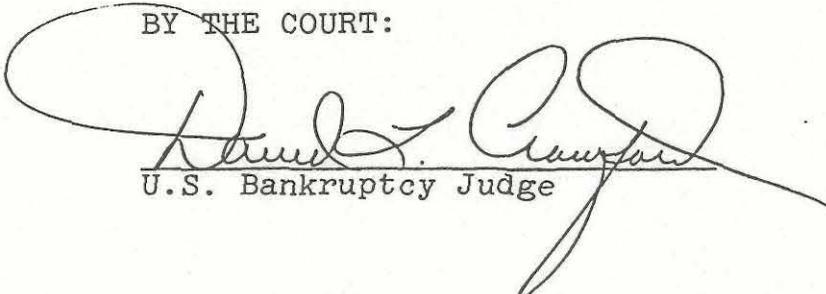
7. That upon delivery to defendant, the five hundred eighty-one (581) boxes of beef were in good, unspoiled and merchantable condition;
8. That the five hundred eighty-one (581) boxes of beef were lost in transit and not delivered to Roger Williams' Grocery, Cumberland, Rhode Island, at any time;
9. That plaintiff presented to defendant its claim in writing on or about October 14, 1980, for the loss of said five hundred eighty-one (581) boxes of beef;
10. That defendant has failed and refused to pay any compensation for the loss of said five hundred eighty-one (581) boxes of beef;
11. That the fair market value of the beef described above was \$93,149.07.

In accordance with the foregoing findings, I find as conclusion of law that the defendant is indebted to the plaintiff in the sum of \$93,149.07 and that plaintiff should have judgment against defendant in that amount.

A separate judgment is entered in accordance with the foregoing.

DATED: March 19, 1982.

BY THE COURT:

  
U.S. Bankruptcy Judge

Copies to:

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