

1 IT IS HEREBY ORDERED as follows:

2 1. All claims for relief against all defendants under 11 U.S.C. § 548,
3 specifically the Second, Fourth, Sixth, Eighth and Tenth Claims for Relief set forth in the
4 First Amended Complaint are dismissed;

5 2. The Plaintiff's Motion for Summary Judgment as to the Twelfth,
6 Thirteenth and Fourteenth Claims for Relief in the First Amended Complaint is granted;

7 3. The Court finds, pursuant to Fed.R.Civ.P. 54(b), made applicable to this
8 proceeding by Fed.R.Bankr.P. 7054, that there is no just reason to delay entry of final
9 judgment as to the Twelfth, Thirteenth and Fourteenth Claims for Relief set forth in the
10 First Amended Complaint. The remaining claims state alternative theories for recovery.
11 If this ruling is affirmed on appeal, and the judgment is satisfied, then it will not be
12 necessary to prosecute the remaining claims for relief;

13 4. Accordingly, the Twelfth, Thirteenth and Fourteenth Claims for Relief in
14 the First Amended Complaint are bifurcated from the remaining claims in this adversary
15 proceeding;

16 5. Judgment shall be entered in favor of the Plaintiff and against Defendant
17 Bouma Dairy on the Twelfth Claim for Relief relating to setoffs taken for the sale of
18 goods within 90 days before commencement of the bankruptcy in the amount of
19 \$440,807.33;

20 6. Judgment shall be entered in favor of the Plaintiff and against Defendant
21 Bouma Dairy on the Thirteenth Claim for Relief relating to money owed for the sale of
22 goods during the period August 25 through October 17, 2001, in the amount of
23 \$37,222.34;

24 7. Judgment shall be entered in favor of the Plaintiff and against Defendant
25 Bouma Dairy on the Fourteenth Claim for Relief relating to money owed for the
26 postpetition sale of goods on and after October 18, 2001, in the amount of \$29,631.06;

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8. Plaintiff shall recover his costs; and

9. Upon entry of the above-referenced Judgment, the remainder of this adversary proceeding, specifically the First, Third, Fifth, Seventh, Ninth, Eleventh, and Fifteenth Claims for Relief in the First Amended Complaint shall be administratively closed. Any party in interest may apply to reopen this adversary proceeding for further relief on the remaining claims by motion on ten days' notice or ex parte application, if appropriate.

Dated: April _____, 2005

/s/ W. Richard Lee
W. Richard Lee
United States Bankruptcy Judge