

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:)	Chapter 7
)	
MCK Millennium Centre Parking LLC)	Case No. 12 B 24676
)	
Debtor.)	Hon. Jacqueline P. Cox
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)	
Gina B. Krol, as Chapter 7 Trustee,)	
)	
Plaintiff,)	
)	
v.)	Adversary No. 14-00392
)	
Key Bank National Association, individually)	
and as successor by merger to Key Bank Real)	
Estate Capital; and Wells Fargo Bank, N.A., as)	
successor trustee to LaSalle Bank N.A., for the)	
Registered Holders of Merrill Lynch Mortgage)	
Trust 2005-MKB2 Commercial Mortgage Pass-)	
Through Certificates, Series 2005-MKB2,)	
)	
Defendants.)	

**Order Granting Plaintiff's Motion for Reconsideration
and for an Indicative Ruling (Dkt. No. 98)**

The Plaintiff's Motion for Reconsideration is GRANTED.

After ruling on Defendants' Motion to Dismiss on April 24, 2015 (Docket Nos. 68 and 70), the Defendants disclosed material evidence/information that undermines the Court's previous rulings, i.e., that KeyBank National Association as master servicer was a "financial institution", informing the Court that the actual master servicer was KeyCorp Real Estate Captial Markets, Inc., which was not a "financial institution". Financial institutions are eligible for

immunity, in certain circumstances, from liability for avoidance actions under 11 U.S.C. § 546(e).

An appeal to the District Court was taken of this Court's earlier Orders. The District Court has stayed the appeal by order dated June 12, 2015.

This Court's April 24, 2015 Order (Dkt. No. 68) dismissing Count VI of the Amended Complaint with prejudice is vacated. This Court's April 24, 2015 Amended Memorandum Opinion and Proposed Findings of Fact and Conclusions of Law (Dkt. No. 75) is vacated.

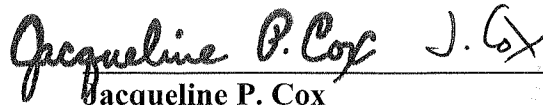
The Court will not issue an Indicative Ruling.

Now that the Plaintiff, Trustee Gina B. Krol, has the newly disclosed evidence/information, she is granted leave to file a Second Amended Complaint herein on or before November 3, 2015.

Adversary Proceeding No. 14-00392 is set for a Status Hearing on November 10, 2015 at 10:00 a.m.

DATED: September 10, 2015

ENTER:


Jacqueline P. Cox
U.S. Bankruptcy Judge