

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

In re: WILLIAM J. BEVERLY,
Debtor,

STEPHANIE BEVERLY,
Appellant,

v.

EDWARD M. WOLKOWITZ;
CATHERINE OUTLAND; SUSAN
OUTLAND GLEASON, individually
and as Administrator of the Estate
of Christine Martell,
Appellees.

No. 07-56133

BAP Nos.
CC-06-01250-KBN
CC-06-01273-KBN
CC-06-01284-KBN
CC-06-01449-KBN
Central District
of California,
Los Angeles

In re: WILLIAM J. BEVERLY,
Debtor,

WILLIAM J. BEVERLY,
Appellant,

v.

EDWARD M. WOLKOWITZ;
CATHERINE OUTLAND; SUSAN
OUTLAND GLEASON, individually
and as Administrator of the Estate
of Christine Martell,
Appellees.

No. 07-56304

BAP Nos.
CC-06-01250-KBN
LA 05-01254 TD
CC-06-01273-KBN
CC-06-01284-KBN
CC-06-01449-KBN
Central District
of California,
Los Angeles
ORDER

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel
Klein, Brandt, and Nielsen, Bankruptcy Judges, Presiding

Argued and Submitted
December 10, 2008—Pasadena, California

Filed December 24, 2008

Before: Melvin Brunetti and Barry G. Silverman,
Circuit Judges, and Suzanne B. Conlon,* District Judge.

COUNSEL

Dennis E. McGoldrick, Torrance, California; Joshua D. Wayser, Locke, Lord, Bissell & Liddell, Los Angeles, California, for the appellants.

Douglas D. Kappler, Los Angeles, California; Sidney Lanier, Ayscough & Marar, Torrance, California, for the appellees.

ORDER

William Beverly appeals the Bankruptcy Appellate Panel's published decision denying him a discharge pursuant to 11 U.S.C. § 727(a)(2)(A). *In re Beverly*, 374 B.R. 221 (B.A.P. 9th Cir. 2007). However, the Bankruptcy Court decision on the § 727 claims resolved only one of two consolidated cases and contained no Fed. R. Civ. P. 54(b) certification. Both the BAP and Bankruptcy Court § 727 decisions are interlocutory and we lack jurisdiction to consider the § 727 claims. *In re Lievsay*, 118 F.3d 661, 662 (9th Cir. 1997) (per curiam);

*The Honorable Suzanne B. Conlon, United States District Judge for the Northern District of Illinois, sitting by designation.

Huene v. U.S., 743 F.2d 703, 705 (9th Cir. 1984); *In re Mason*, 709 F.2d 1313, 1315 (9th Cir. 1983).

William and Stephanie Beverly also appeal the BAP's reversal of the Bankruptcy Court's grant of summary judgment in their favor in a related adversary proceeding. The BAP held that the Beverlys' transfer of assets through a marital settlement agreement was an avoidable transfer pursuant to 11 U.S.C. § 544(b) and Cal. Civ. Code § 3439.04. The BAP also rejected the argument that our decision in *Gill v. Stern (In re Stern)*, 345 F.3d 1036 (9th Cir. 2003), allowed the transfer in this case. We have jurisdiction to consider the avoidance claims pursuant to 28 U.S.C. §§ 158(d)(1) and 1291 and adopt as our own the well-reasoned BAP opinion, *In re Beverly*, 374 B.R. 221.

AFFIRMED in part and DISMISSED in part.

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