

JUN 10 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: R2D2, LLC,

Debtor,

ARAMID ENTERTAINMENT FUND
LIMITED and ARAMID
ENTERTAINMENT B.V.,

Appellants,

v.

RONALD N. TUTOR; et al.,

Appellees.

No. 13-55029

D.C. No. 2:12-cv-05947-PSG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Philip S. Gutierrez, District Judge, Presiding

Submitted June 1, 2015**
Pasadena, California

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Before: M. SMITH and N.R. SMITH, Circuit Judges and LAMBERTH,^{***} Senior District Judge.

This case was decided by the bankruptcy court on June 18, 2012, and affirmed by the district court on December 21, 2012. On May 27, 2015, the bankruptcy court dismissed the underlying bankruptcy cases and on May 28, 2015, the bankruptcy court denied the Trustee's emergency motions for stay pending appeal of the bankruptcy cases dismissal orders. Because this appeal has now become moot as a result of the dismissal of the underlying bankruptcy actions, we dismiss.

“A case is moot if the issues presented are no longer live and there fails to be a ‘case or controversy’ under Article III of the Constitution. The test for mootness of an appeal is whether the appellate court can give the appellant any effective relief in the event that it decides the matter on the merits in his favor.” *In re Burrell*, 415 F.3d 994, 998 (9th Cir. 2005) (internal citations and quotation marks omitted).

The issue on appeal in this case is whether the district court erred in affirming the bankruptcy court's order disallowing RICO, fraudulent inducement, and alter-ego liability claims brought by Aramid Entertainment Fund Limited and

^{***} The Honorable Royce C. Lamberth, Senior District Judge for the U.S. District Court for the District of Columbia, sitting by designation.

Aramid Entertainment B.V. (Aramid) in the underlying bankruptcy cases. As these bankruptcy cases have now been dismissed, it would be impossible for this court to grant Aramid any effective relief in the event that we were to decide the matter on the merits in favor of Aramid. Even if we found that Aramid could in fact bring these claims, it would be “impossible for the court to grant any effectual relief” because the bankruptcy actions have been dismissed. *See In re Pattullo*, 271 F.3d 898, 901 (9th Cir. 2001). Accordingly, we DISMISS this appeal as moot.

In light of the court’s dismissal, reached before and independent of the stipulated motion to voluntarily dismiss the appeal filed by the Appellants and Appellees on June 5, 2015, the stipulated motion to voluntarily dismiss the appeal is DENIED as moot.

DISMISSED.