

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 19a0199n.06

Case No. 18-1167

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Apr 22, 2019
DEBORAH S. HUNT, Clerk

In re: GREEKTOWN HOLDINGS, LLC,
Debtor.
BUCHWALD CAPITAL ADVISORS, LLC,
solely in its capacity as Litigation Trustee to the
Greektown Litigation Trust,
Plaintiff-Appellant,
v.
DIMITRIOS PAPAS, et al.,
Defendants-Appellee.

ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE EASTERN
DISTRICT OF MICHIGAN

ORDER

BEFORE: COLE, Chief Judge; STRANCH and READLER, Circuit Judges.

On February 27, 2018, two weeks after this appeal was filed, the United States Supreme Court decided Merit Management Group, LP v. FTI Consulting, Inc., 138 S. Ct. 883 (2018), and in the process resolved a circuit split over the correct interpretation of Section 546(e) of the Bankruptcy Code—the safe harbor provision at issue in this case. Merit Management squarely addresses the dispositive issue in this case and abrogated the Sixth Circuit precedent on which both the bankruptcy court and district court relied, see In re QSI Holdings, Inc., 571 F.3d 545 (6th Cir. 2009). Accordingly, we hereby vacate the district court’s judgment and remand the case to the

Case No. 18-1167, *In re Greektown Holdings*

bankruptcy court for reconsideration in accordance with the Supreme Court's recent decision in *Merit Management*. See *In re Markowitz*, 190 F.3d 455, 458 (6th Cir. 1999).

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written in a cursive style.

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Deborah S. Hunt, Clerk