

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

IN RE: ROBERT GRIFFIN and
JULIA GRIFFIN, Debtors

JILL R. JACOWAY

APPELLANT

v.

Case No. 2:14-CV-02261

ARVEST BANK

APPELLEE

ORDER

This bankruptcy appeal was originally filed with the Bankruptcy Appellate Panel by Richard L. Cox as the appellant. Based on Appellee Arvest Bank's ("Arvest") election to have the appeal heard by this Court, the appeal was transferred to this Court on December 17, 2014. Prior to the transfer, Jill Jacoway had moved to be substituted as appellant based on her confirmation as trustee by the bankruptcy court. The Bankruptcy Appellate Panel transferred that motion to substitute (Doc. 2) with the appeal. Before the Court could rule on the motion to substitute, the appeal was stayed by order of the Court on December 22, 2014. The appeal was stayed through February 6, 2015, with the Court stating it would enter a scheduling order if the appeal was not dismissed by that date. On January 15, 2015, a notice of subsequent activity (Doc. 4) was filed, consisting of a motion—filed in the bankruptcy court—to approve dismissal of this and other appeals stemming from the same bankruptcy case. Appellant has also now filed a motion to dismiss (Doc. 5) in this Court. Counsel for Arvest has contacted the Court and represented that Arvest concurs in the request for dismissal. The Court therefore finds that the parties are in agreement, and this appeal may be dismissed pursuant to Federal Rule of Bankruptcy Procedure 8023. No costs or fees have been requested, and

none will be awarded.

Having reviewed the record, the Court ORDERS as follows:

- The stay entered by text order on December 22, 2014 is LIFTED for the purpose of disposing of the pending motions and dismissing the appeal;
- To the extent substitution is necessary, the motion to substitute Jill Jacoway as appellant (Doc. 2) is GRANTED, and Jill Jacoway is substituted as appellant in this matter in recognition of her confirmation as trustee by the bankruptcy court;
- To the extent this Court has jurisdiction and authority to rule on the motion to approve (Doc. 4) filed in bankruptcy court, that motion is GRANTED as to this appeal;¹ and
- Appellant's motion to voluntarily dismiss this appeal (Doc. 5) is GRANTED, and this appeal is DISMISSED.

IT IS SO ORDERED this 10th day of February, 2015.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE

¹ The Court has no authority to dismiss a separate appeal pending before the Eighth Circuit.