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JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

In re:
KSL MEDIA, INC., *et al.*,
Debtors.

LANDAU GOTTFRIED & BERGER
LLP,
Appellant,
v.
KELLEY DRYE & WARREN LLP,
PACHULSKI STANG ZIEHL &
JONES LLP and PROVINCE, INC.,
Appellees.

Case No.: CV 16-2204-DMG
Chapter 7 Case No. 1:13-bk-15-929-MB

**CONSENT ORDER FOR LIMITED
REMAND TO BANKRUPTCY
COURT [29]**

1 In their Joint Stipulation Requesting a Limited Remand to Bankruptcy Court
2 (“Joint Stipulation”), appellant Landau Gottfried & Berger LLP (“LGB”) and
3 appellees Kelley Drye & Warren LLP (“KDW”), Pachulski Stang Ziehl & Jones
4 LLP (“PSZJ”) and Province, Inc. (“Province”) request a remand of this appeal to
5 the United States Bankruptcy Court for the Central District of California for the
6 limited purpose of revesting that court with jurisdiction to consider and rule on the
7 parties’ pending Joint Motion Under Bankruptcy Rule 9019 for Order Approving
8 Settlement.

9 A limited remand pursuant to Federal Rule of Bankruptcy Procedure
10 (“Bankruptcy Rule”) 8008 is necessary to secure the required Bankruptcy Court
11 approval of a settlement agreement that resolves all disputes that have arisen
12 between the following parties: David K. Gottlieb (“Trustee”) in his capacity as
13 chapter 7 trustee in the above-captioned jointly administered bankruptcy cases of
14 debtors KSL Media, Inc., T.V.10’s LLC and Fulcrum 5, Inc. (collectively,
15 “Debtors”), and three of the Trustee’s professionals: KDW, PSZJ and Province, on
16 the one hand; and the Debtors’ prior counsel, LGB, and one of LGB’s partners,
17 Rodger M. Landau (“Landau”), on the other hand (the “Settlement Agreement”).

18 Among other things, the Settlement Agreement that has been presented for
19 Bankruptcy Court approval would resolve all issues raised in this appeal. Although
20 the Settlement Agreement requires Bankruptcy Court approval pursuant to
21 Bankruptcy Rule 9019, this appeal has divested the Bankruptcy Court of
22 jurisdiction to consider and rule on the terms of the Settlement Agreement.

23 Of particular import to the appeal pending before this Court, the Settlement
24 Agreement provides that the Bankruptcy Court’s vacatur of the sanctions order
25 from which this appeal was taken (the “Sanctions Order”) is a necessary condition
26 of the parties’ settlement. While the appeal is pending, the Bankruptcy Court lacks
27 jurisdiction to vacate the Sanctions Order and effectuate the settlement. In its
28 Memorandum of Indicative Ruling (“Memorandum”) attached as Exhibit A to the

1 Joint Stipulation, the Bankruptcy Court states that if this Court were to remand this
2 matter for the limited purpose of ruling on the Joint Rule 9019 Motion, the
3 Bankruptcy Court would vacate the Sanctions Order. The parties to this appeal thus
4 have jointly requested that this Court remand the matter.

5 Bankruptcy Rule 8008 authorizes the Bankruptcy Court to communicate to
6 this Court via an “indicative ruling” the Bankruptcy Court’s intention to approve
7 the settlement if the appeal is remanded for the limited purpose of re-vesting the
8 Bankruptcy Court with jurisdiction to do so.

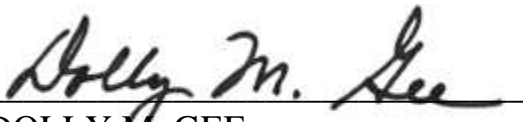
9 Here, pursuant to Bankruptcy Rule 8008, the Bankruptcy Court on May 3,
10 2017 signed and entered the Memorandum advising that it would approve the
11 parties’ Settlement Agreement if the pending appeal is remanded for the limited
12 purpose of re-vesting it with the jurisdiction required to do so.

13 Under the circumstances presented here, the Court finds that a limited
14 remand for these purposes is warranted and appropriate as it will facilitate the
15 efficient, amicable and global resolution of all disputes that have arisen between the
16 parties.

17 Good cause thus appearing, the Court GRANTS the relief requested in the
18 Joint Stipulation and hereby orders that this appeal is remanded to the Bankruptcy
19 Court for the limited purpose of re-vesting that court with jurisdiction to consider
20 and rule on the parties’ pending Joint Motion Under Bankruptcy Rule 9019 for
21 Order Approving Settlement or otherwise approve the terms of the parties’
22 settlement.

23 IT IS SO ORDERED.

24 DATED: May 19, 2017


DOLLY M. GEE
UNITED STATES DISTRICT JUDGE

26 cc: Bankruptcy Court
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