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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:

KIDS CONNECTION, INC.,

Appellant.

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No. C-09-4195 MMC

Bankruptcy Court Case No. 08-30026 DM

**ORDER DISMISSING APPEAL**

Before the Court is the Chapter 7 Trustee's Notice, filed May 20, 2010 in response to the Court's order of April 22, 2010, by which order the Court directed appellant to file a notice setting forth what steps appellant has taken or will take to perfect the record.

In the Notice, Trustee Janina M. Elder<sup>1</sup> reports that the parties to the instant appeal have entered into a compromise. The Trustee also states that the Bankruptcy Court approved the compromise at a hearing, but, as of the time the Notice was filed, had not entered a written order or orders approving the compromise.<sup>2</sup>

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<sup>1</sup>The instant appeal was filed on September 10, 2009 by debtor Kids Connection, Inc. Thereafter, on December 4, 2009, the bankruptcy court entered an order converting the debtor's Chapter 11 case to Chapter 7, and appointed Janina M. Elder as Trustee, who is now administering the property of the debtor, including the debtor's interest in the instant appeal. (See Notice Exs. B, C.)

<sup>2</sup>The Court has reviewed the docket of the instant bankruptcy proceeding, and takes judicial notice of the Bankruptcy Court's entry of two orders on May 20, 2010, one titled Order Authorizing Trustee to Compromise Controversy with Burlingame Capital Partners II LP, and Certain Individuals, and the other titled Order Authorizing Trustee to Compromise Controversy with Linda Koelling, which orders presumably were filed shortly after the filing of the Notice.

1 In light of the court-approved compromise, which, in the absence of an appeal  
2 therefrom, the Trustee expects will become final shortly, the Trustee requests that this  
3 Court enter an order dismissing the appeal, on the condition that the dismissal may be  
4 vacated for good cause shown within thirty days following the entry of the dismissal.

5 Accordingly, the instant appeal is hereby DISMISSED, provided that the dismissal  
6 may be vacated upon a showing of good cause made no later than thirty days after the  
7 date of the filing of this order.

8 **IT IS SO ORDERED.**

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10 Dated: May 26, 2010

  
MAXINE M. CHESNEY  
United States District Judge

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