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22E-filed on: 4/6/09

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re: WCH, Inc.,  
*dba* WINCHESTER CONVALESCENT  
HOSPITAL,  
*dba* SAN JOSE SUBACUTE CARE,  
  
Debtor.

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WCH, Inc., *dba* WINCHESTER  
CONVALESCENT HOSPITAL, *dba* SAN  
JOSE SUBACUTE CARE,

Appellant,

v.

FREDERICK S. WYLE, Chapter 11 Trustee,

Appellee.

No. C-08-05331 RMW  
ORDER DISMISSING APPEAL  
[Docket No. 8.]


On November 25, 2008, the court received WCH's notice of appeal from the bankruptcy court's order approving the trustee's sale of substantially all of the estate's assets. WCH did not subsequently file an opening brief, and on March 6, 2009, the court issued its first order setting a deadline for WCH to file its opening brief or to show cause why it could not do so by the deadline. WCH did not comply with the order, and on March 17, 2009, the court issued a second order to show cause as to why the appeal should not be dismissed for want of prosecution. The court set a

ORDER DISMISSING APPEAL  
No. C-08-05331 RMW  
TER

1 March 27, 2009 deadline for response, warning that a failure to file a respond will result in dismissal  
2 of the appeal. WCH did not meet the March 27 deadline, but on March 30 filed a motion to dismiss  
3 the appeal, explaining that the appeal was moot.

4 Accordingly, for good cause appearing, the appeal is hereby DISMISSED.

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7 DATED: 4/6/09

  
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RONALD M. WHYTE  
United States District Judge

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1 **Notice of this document has been electronically sent to:**

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7 Counsel are responsible for distributing copies of this document to co-counsel that have not  
8 registered for e-filing under the court's CM/ECF program.

9 **Notice of this document has been mailed to:**

10 **USBC Manager – San Jose**

11 USBC Manager-San Jose  
12 US Bankruptcy Court  
13 280 South First Street  
14 Room 3035  
15 San Jose, CA 95113

16 **Honorable Marilyn Morgan**

17 Marilyn Morgan  
18 U.S. Bankruptcy Court  
19 280 South First Street  
20 Room 3035  
21 San Jose, CA 95113

22 **Dated:**      4/6/09

23 TER  
24 **Chambers of Judge Whyte**

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26  
27  
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