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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 LUZ ELENA AGUIRRE *et al.*,

13 Appellants,

14 v.

15 R. TODD NEILSON,

16 Appellee.

17 (Appeal from *Neilson v. Aguirre (In re Cedar*
18 *Funding, Inc.*), Bankr. N.D. Cal. (San Jose)
19 Case No. 08-52709 CN, Adv. No.
09-05225 CN)

Case No. 5-11cv00233 RMW

**|| ORDER GRANTING JOINT
MOTION TO DISMISS APPEAL**

Judge: Hon. Ronald M. Whyte

20 The parties having filed a Joint Motion to Dismiss Appeal on terms agreed to, such relief
21 being authorized under Rule 42(b) of the Federal Rules of Appellate Procedure as made
22 applicable by Local Rule 8007-1(d) of the Bankruptcy Court for the Northern District of
23 California, and good cause appearing therefor,

24 IT IS HEREBY ORDERED that:

- 25 1. The Partial Final Judgment Pursuant to Fed. R. Civ. P. 54(b) of the Bankruptcy
26 Court in Adv. P. No. 09-05225 CN [Bankr. N.D. Cal. ECF No. 58] is VACATED;
27 2. This appeal is DISMISSED; and
28 3. The case is REMANDED to the Bankruptcy Court for further proceedings.

The parties are to bear their own costs.

Dated: _____

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

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