

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **12-cv-1596-AP**

In re: PATRICIA EVANS

Debtor.

PATRICIA EVANS,

Appellant,

v.

THE BANK OF NEW YORK,

Appellee.

**ORDER DENYING MOTION TO DISMISS AND EXTENDING
TIME FOR MERITS BRIEFING**

Judge John L. Kane **ORDERS**

The Bank of New York's Motion to Dismiss Debtor's (pro se) Appeal as Untimely (Doc. 17) is **DENIED**. While Ms. Evans's notice of appeal filed after the order appealed may not have been "effective" until after the bankruptcy court's ruling on her motion for its reconsideration, it is effective now and I decline to dismiss her appeal on the rather hypertechnical grounds asserted.

The Bank's request for a 10 day extension of time in which to file its Response on the merits of Ms. Evans's appeal is **GRANTED**, and the Response is due on or before **November 5, 2012**. Ms. Evans shall have to **December 3, 2012**, to file her Reply.

Dated: October 24, 2012

s/John L. Kane
SENIOR U.S. DISTRICT JUDGE