

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger**

Civil Action No. 12-cv-01891-MSK

In re: TERRY KENNETH VICKERY

Debtor.

**RICHARD K. DIAMOND, Chapter 7 Trustee for IVDS Interactive Acquisition Partners,
L.P., a Florida general partnership,**

Plaintiff/Appellee,

v.

TERRY KENNETH VICKERY,

Defendant/Appellant.

ORDER

THIS MATTER comes before the Court *sua sponte*. In the appeal pending before this Court, the parties raise, but only summarily address, the legal question of whether the doctrine of collateral estoppel (issue preclusion) applies with regard to whether the jury's findings and resulting judgment rendered by the U.S. District Court for the Central District of California have preclusive effect as to findings necessary to a determination of dischargeability under 11 U.S.C. § 523(a)(6). It appears, however, that the parties previously addressed such issue in briefing pertinent to a dispositive motion that was denied. Such briefs have not been designated as part of the record on appeal.

The Court therefore **ORDERS that within 21 days** that the parties either 1) file supplemental briefs addressing how the doctrine of collateral estoppel may apply with regard to the previous judgment and each of its component parts (*i.e.*, each of the specific findings made

by the jury including punitive damages); or 2) designate their briefs filed on summary judgment in the Bankruptcy Court as part of the record on appeal.

Dated this 29th day of October, 2014.

BY THE COURT:



Marcia S. Krieger

Marcia S. Krieger
Chief United States District Judge