

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

FUNDAMENTAL LONG TERM
CARE HOLDINGS, LLC and
FUNDAMENTAL ADMINISTRATIVE
SERVICES, LLC,

Appellants,

v.

CASE NO: 8:13-CV-603-T-30
Bank. Case No. 8:11-bk-2228-MGW

TRANS HEALTH MANAGEMENT, INC.,

Appellee.

ORDER

THIS CAUSE comes before the Court upon the Motion of Appellee Trans Health Management, Inc. (THMI) to dismiss this appeal for lack of jurisdiction. Appellee argues that this Court lacks jurisdiction because the appeal concerns a non-final order and Appellants have not sought permission from the Court to appeal a non-final order pursuant to 28 U.S.C. § 158(a)(1). Appellants counter with the argument that the order appealed from is in fact a final order citing, among other cases, *In Re: Sunbum Five Enterprises, LLC*, 2011 WL 4529648 (M.D. Fla. 2011). In the alternative, Appellants request this Court to grant them permission to bring this appeal.

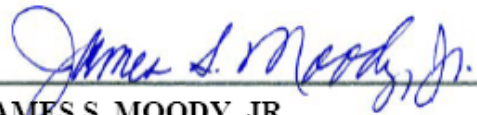
Upon review, the Court concludes that it is appropriate to resolve this issue of attorney conflict at the present time. It would be impractical for this case to reach its ultimate

conclusion only to find that one or more parties had been prejudiced by conflicted counsel. It may be that the order appealed from is a final order, but, in an abundance of caution, this Court hereby grants permission to the Appellants pursuant to 28 U.S.C. § 158 to bring this appeal.

It is therefore ORDERED AND ADJUDGED that :

1. Appellee shall its response within fourteen (14) days.

DONE and **ORDERED** in Tampa, Florida on June 27, 2013.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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