

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

VT INC.,

Appellant,

v.

CASE NO. 1:11cv244-MP-GRJ

BERT JAY GARVIN,

Appellee.

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ORDER

This matter is before the Court on Appellant VT INC.'s Notice of Dismissal of Appeal. (Doc. 3). In the Notice, Appellant requests that the Court dismiss the case and that the Clerk close the case. The Appellee has not appeared in the appeal at this time. Fed. R. Bankr. P. 8001(c) provides the procedure for the voluntary dismissal of a bankruptcy appeal. In cases where the appeal has been docketed, Fed. R. Bankr. P. 8001(c)(2) provides:

If an appeal has been docketed and the parties to the appeal sign and file with the clerk of the district court or the clerk of the bankruptcy appellate panel an agreement that the appeal be dismissed and pay any court costs or fees that may be due, the clerk of the district court or the clerk of the bankruptcy appellate panel shall enter an order dismissing the appeal. An appeal may also be dismissed on motion of the appellant on terms and conditions fixed by the district court or bankruptcy appellate panel.

Here, the parties have not signed and filed with the clerk an agreement that the appeal be dismissed and that they will pay any court costs or fees that may be due. Thus, the case falls under the final sentence, "An appeal may also be dismissed on motion of the appellant on terms and conditions fixed by the district court or bankruptcy appellate panel."

Accordingly, it is now **ORDERED** as follows:

Pursuant to Fed. R. Bankr. P. 8001(c)(2), the Appellee shall have until Friday, January 13, 2012, to set out any necessary terms or conditions to the voluntary dismissal. If no response is received from the Appellee by that date, dismissal will be entered.

DONE and ORDERED this 29th day of December, 2011.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE