

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CASE NO. 3:13-MC-33-H

IN RE:
SEVEN COUNTIES SERVICES, INC.

MEMORANDUM OPINION AND ORDER

The Court is confronted with two motions. Defendants in a bankruptcy adversary action, Kentucky Employers Retirement System (“KERS”) had moved for leave to appeal from a Memorandum Opinion and Order entered by the Bankruptcy Court on November 8, 2013. In response, the debtor and appellee in this case, Seven Counties Services, Inc., has moved this Court to stay proceedings in this appeal pending the outcome of a related adversary action in the Bankruptcy Court. The Court has reviewed both of the lengthy motions and response and believes the brief response will suffice.

As to the KERS’s motion, the Court concludes that it does not require leave of this Court to make its appeal. Therefore, KERS should make its appeal in due course and the matter will be docketed in the appropriate manner. Because the Court has essentially denied the KERS’s motion for leave, Seven Counties’ motion to stay the proceedings is essentially moot. In any event, the Court believes that the Bankruptcy Court in the Seven Counties adversary action is in the best position to determine whether going forward with its trial is an appropriate and efficient use of the Court and parties’ time.

Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that the motion of KERS for leave to appeal is DENIED.

IT IS FURTHER ORDERED that motion of Seven Counties to stay proceedings is

DENIED as moot.

February 24, 2014

Handwritten signature of John G. Heyburn II in black ink. The signature is written in a cursive style and includes the initials "J.G.H." followed by the full name "Heyburn II".

**John G. Heyburn II, Judge
United States District Court**

cc: Counsel of Record & Bankruptcy Court