

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

HAROLD L. ROSBOTTOM, JR.

CIVIL ACTION NO. 14-3099

VERSUS

JUDGE S. MAURICE HICKS, JR.

GERALD H. SCHIFF, ET AL.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM RULING

Before the Court is a Bankruptcy Appeal filed by Appellant Harold L. Rosbottom, Jr. ("Rosbottom"). See Record Document 14. Rosbottom seeks to reverse a final order of the bankruptcy court, issued and filed on June 30, 2014 and entered on the docket of the record of Adversary Proceeding # 13-1021, on July 1, 2014. The final order dismissed the appeal taken by Rosbottom of a judgment of the bankruptcy court, issued on March 31, 2014 and entered on the docket of the record of Adversary Proceeding # 13-1021 on April 1, 2014. This judgment was certified as a final judgment by the Rule 54(b) certification issued and filed on April 2, 2014. The judgment related to the Vendome Property located in Dallas, Texas.

On February 6, 2015, Gerald H. Schiff, the court-appointed Chapter 11 trustee ("Trustee"), filed a statement with the Court regarding the pending bankruptcy appeal. See Record Document 16. The statement advised the Court that Appellees do not oppose the relief requested by Rosbottom. See id. Specifically, Appellees stated:

Appellant appealed the Vendome Judgment, but the appeal was dismissed because of a late filed designation of the record on appeal, which was also deficient in that Appellant did not order transcripts properly, list the appropriate docket entries, etc. (Doubtless the designation by [A]ppellant will always be deficient, but Appellees will provide a proper designation of record so as to bring this matter before the Court properly.)

Appellees have reviewed the applicable case law and statutory basis of the bankruptcy court's judgment dismissing the Appellant's appeal of the Vendome Judgment and have determined not to oppose the relief requested by Appellant—the reversal of the bankruptcy court's dismissal of Appellant's appeal of the Vendome Judgment.

Appellees have determined that the best course of action is to allow the appeal of the Vendome Judgment to go forward, and to brief that appeal before this Court so that this Court can make a determination on the merits of the Vendome Appeal. Appellees intend to reserve all rights regarding that appeal (for example, the designation of record must be finalized and that appeal has not been briefed).

Id. at 3.

Accordingly, this Court hereby **GRANTS** the instant bankruptcy appeal and **REVERSES** the bankruptcy court's dismissal of the appeal of the Vendome Judgment.

This matter is hereby **REMANDED** such that the appeal may be reinstated and new deadlines set for designation of the record on appeal.¹ The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 19th day of March 2015.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE

¹Appellees have indicated that they will provide the designation of the record on appeal.