

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

TED T. AYOUB,
Debtor.

Case No. 16-cv-13687
Hon. Matthew F. Leitman

**ORDER (1) GRANTING IN PART AND DENYING IN PART
APPELLANT'S MOTION TO EXTEND TIME TO FILE BRIEF ON
APPEAL AND TEMPORARILY UNSEAL BANKRUPTCY COURT
RECORD (ECF #5) AND (2) DENYING APPELLEES' MOTIONS TO
DISMISS APPEAL (ECF ##12 & 18)**

This matter is before the Court on appeal from the United States Bankruptcy Court for the Eastern District of Michigan. There are three motions currently pending before the Court.

The first motion is Appellant Ted Ayoub's Motion to Extend Time to File Brief on Appeal and to Temporarily Unseal Bankruptcy Court Record (the "Motion to Extend Time and Unseal Record"). The Motion to Extend Time and Unseal Record (ECF #5) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The Clerk of the United States Bankruptcy Court for the Eastern District of Michigan (the "Clerk") shall provide access to the record for Bankruptcy Case 10-62790 to counsel for all parties to this appeal. Such access shall be limited to in-person access in the office of the Clerk.

Furthermore, the Clerk shall permit counsel to print and/or copy documents within the record at the expense of counsel.

2. If any counsel makes copies of documents in the Bankruptcy Court record, counsel shall use those documents solely for the purposes of this appeal and shall not disclose these documents to anyone not assisting with the preparation of this appeal.
3. In all other respects, the bankruptcy record shall remain sealed.
4. The briefing schedule for this appeal is modified as set forth at the end of this order.

The second and third motions are Motions to Dismiss the Appeal (the “Motions to Dismiss”) by (1) Appellees Beier Howlett, PC, Lambert Leser, PC, and Joseph F. Yamin (ECF # 12) and (2) Appellees RSA Design Group, LLC and Robert Szantner (ECF #18). The Motions to Dismiss are **DENIED** for the reasons stated by the Court on the record during the telephonic status conference held on December 21, 2016. Instead of dismissal, the Court directs the Appellants to designate the contents of the record of this appeal by the deadline set forth below and to order the transcript of the Bankruptcy Court proceedings by the deadline set forth below.

The Court adopts the following revised schedule for this appeal:

1. By not later than January 6, 2017, Appellants shall order the bankruptcy court transcripts.

2. By not later than January 16, 2017, Appellants shall complete their review of the bankruptcy court record and file the required designation of record on appeal.
3. Appellants shall file their appeal brief not later than twenty-one days after the transcripts are filed on the Bankruptcy Court docket.
4. Appellees shall file their appeal briefs not later than twenty-one days after Appellees file their appeal brief.
5. Appellants may file their reply brief not later than fourteen days after Appellees file their appeal brief.

The parties are advised that failure to strictly comply with any of the requirements set forth in this Order may result in dismissal of the appeal or other appropriate relief. Appellants have already failed to take required steps on appeal, and the Court will be inclined to dismiss the appeal for any further non-compliance with rules or orders.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: December 27, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 27, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(313) 234-5113