

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In RE: IMPERIAL AUTO)
PROTECTION, LLC,)
)
Debtor,)
)
RICHARD HAGAN,)
)
Appellant,)
)
vs.) Case No. 4:14CV1001 RWS
)
ROYAL AUTO PROTECTION,)
LLC,)
)
Appellee.)

MEMORANDUM AND ORDER

This matter is before the Court on Richard Hagan's motion for leave to appeal a decision of the bankruptcy court. On April 17, 2014, Royal Auto Protection, LLC filed a voluntary Chapter 11 petition in the Eastern Division of the United States Bankruptcy Court for the Eastern District of Missouri. That case is assigned Cause Number 14-43063 and is pending before the Honorable Kathy A. Surratt-States, United States Bankruptcy Judge. Hagan seeks to appeal Judge Surratt-States' May 13, 2014, denial of his motion to dismiss and for sanctions,

which Hagan acknowledges is an interlocutory order.¹ 28 U.S.C. § 158(a) empowers the district court with jurisdiction to hear appeals from final judgments and orders and, with leave of the court, from interlocutory orders and decrees entered by the bankruptcy court. Before the parties proceed to brief the underlying issues, I must decide whether to grant leave to appeal. Therefore,

IT IS HEREBY ORDERED that the provisions of the case management order entered on June 2, 2014 are vacated, and the following new schedule shall apply:

- 1) Within two (2) days of issuance of the written Order denying Hagan's motion to dismiss and for sanctions, Hagan shall file a copy of that Order and any other relevant bankruptcy documents necessary to the Court's determination of whether to grant leave to appeal; and
- 2) Within 15 days of Hagan's filing of these documents, appellee and/or trustee shall file a brief addressing solely the issue of whether this Court should grant leave to appeal.

¹Judge Surratt-States denied the motion on the record following a hearing and has indicated that a written Order will issue, but the written Order has yet to issue.

No further briefing will be permitted on this issue. Should the Court grant the motion for leave to appeal, an amended case management order will issue.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of June, 2014.