

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

In re:
R&S St. Rose, LLC.
Debtor.

BRANCH BANKING AND TRUST
COMPANY, SUCCESSOR IN
INTEREST TO FDIC AS RECEIVER
FOR COLONIAL BANK, N.A., *et al.*,
Appellants,
v.
R&S ST. ROSE, LLC, *et al.*,
Defendants.

Consolidated Cases:
Case No. 2:12-cv-01615-LDG (GWF)
Case No. 2:12-cv-01617-LDG (GWF)
Case No. 2:12-cv-01647-LDG (GWF)
Case No. 2:12-cv-01667-LDG (GWF)

Bankruptcy Case No. 11-14974-MKN
Chapter 11

Bankruptcy Case No. 11-14973-MKN
Chapter 11

Appeal Ref. No. 12-39
Appeal Ref. No. 12-40
Appeal Ref. No. 12-43
Appeal Ref. No. 12-44

ORDER DENYING MOTION TO DISMISS APPEAL

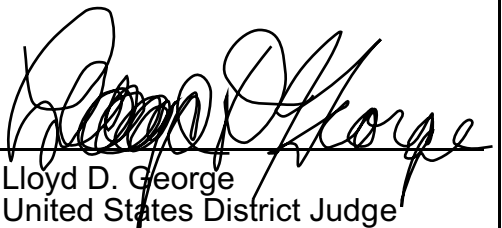
Appellee R&S St. Rose, LLC, moves to dismiss (#57) the appeal of the Bankruptcy Court Order that denied Appellants motion for substantive consolidation of bankruptcy estates of R&S St. Rose, LLC and R&S St. Rose Lenders, LLC. Appellants Branch

1 Banking and Trust Company and Commonwealth Land Title Insurance Company oppose
2 the motion (## 58, 59).

3 The appellee argues that because the Nevada Supreme Court affirmed the state
4 district court 's order, this matter is moot. As argued by the appellants, however, the issue
5 raised on appeal concerns whether the bankruptcy court erred in considering the state
6 district court's order because that state court order was not relevant to the issues
7 presented in the motion before the bankruptcy court. Regardless of whether the Nevada
8 Supreme Court affirmed the state district court, the issue remains before this Court whether
9 the bankruptcy court erred in relying on that state district court order. Accordingly,

10 THE COURT **ORDERS** that Appellee R&S St. Rose, LLC's Motion to Dismiss (#57)
11 the appeal is DENIED.

12
13 DATED this 18 day of March, 2014.

14
15 
16 Lloyd D. George
United States District Judge

17
18
19
20
21
22
23
24
25
26