

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES W. HAWKINS &
LORI JO HAWKINS,

Appellants,

-against-

CHAPTER 11 TRUSTEE,

Appellee.

Dist. Ct. Civil Action
6:07-cv-766 (LEK)

IN RE RESERVE CAPITAL CORP. &
TIOGA PARK, LLC

Debtors.

Bankr. Case No. 03-60071-6

DECISION AND ORDER

Presently pending before the Court is a Motion filed by Appellants James. W. Hawkins and Lori Jo Hawkins (“Appellants” or “the Hawkins”) seeking reconsideration of this Court’s Order dismissing the appeal for noncompliance with the Federal Rule of Bankruptcy Procedure 8006. Motion (Dkt. No. 4); Dismissal Order (Dkt. No. 2). By Mandate from the Court of Appeals for the Second Circuit, the Court’s November 7 Order denying reconsideration was vacated and the case remanded for further proceedings. Mandate (Dkt. No. 12); Order denying reconsideration (Dkt. No. 6). By Order dated November 24, 2008, the Court ordered Appellants to comply within twenty (20) days with Rule 8006 or face dismissal of the appeal. Dkt. No. 13. Appellants ultimately complied with Rule 8006 on January 23, 2009. Dkt. Nos. 14-17. Upon a review of all materials before the Court, Appellants’ Motion for reconsideration is granted, and

the case shall proceed according to the briefing schedule set below.

Accordingly, it is hereby

ORDERED, that Appellants' Motion for reconsideration (Dkt. No. 4) is **GRANTED**;

and it is further

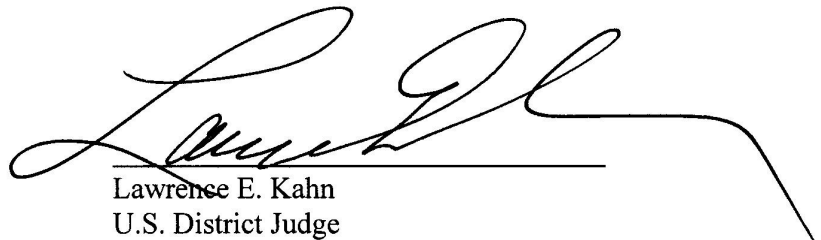
ORDERED, that Appellants' opening brief is **due by Friday, February 13, 2009**.

Appellee's brief is **due by Friday, February 27, 2009**. The appeal is scheduled for **March 6, 2009 at 9:30AM** at the Federal Courthouse in Albany, New York. The appeal will be taken **on submit** unless the Court notifies the parties that oral argument is necessary; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: January 30, 2009
Albany, New York



Lawrence E. Kahn
U.S. District Judge