

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION  
No. 2:06-CV-49-F

BLACKWATER SECURITY )  
CONSULTING, LLC and BLACKWATER )  
LODGE AND TRAINING CENTER, INC., )  
Petitioners, )  
 )  
v. )  
 )  
RICHARD P. NORDAN, as Ancillary )  
Administrator for the Separate Estates of )  
STEPHEN S. HELVESTON, MIKE R. )  
TEAGUE, JERKO GERALD ZOVKO, and )  
WESLEY J. K. BATALONA, )  
Respondent. )

ORDER

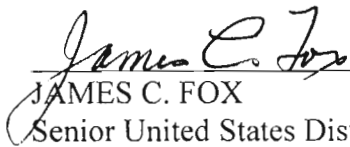
This matter is before the court on Blackwater’s Motion for Leave to File a Supplementary Petition. [DE-35]. Blackwater’s original Complaint for Petition to Compel Arbitration was filed on December 20, 2006. [DE-1]. On May 18, 2007, Nordan filed a Notice of Appeal [DE-30] from orders issued by this court on April 20, 2007 [DE-13] denying Nordan’s motion to dismiss and ordering the parties to arbitrate, and on May 11, 2007 [DE-28] denying Nordan’s motion for reconsideration.

Upon the filing of a notice of appeal by Nordan to the Court of Appeals for the Fourth Circuit, jurisdiction transferred to the Fourth Circuit and, therefore, this court retains no jurisdiction with which to rule on the instant matter. *See Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982); *Brickwood Contractors, Inc. v. Datanet Eng’g, Inc.*, 369 F.3d 385, 393 (4th Cir. 2004) (“The filing of a notice of appeal is an event of jurisdictional significance – it confers jurisdiction on the court of appeals and divests the district court of its

control over those aspects of the case involved in the appeal.”).

Accordingly, Blackwater’s Motion for Leave is DENIED. [DE-35].

SO ORDERED. This the 19 day of September, 2007.

  
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JAMES C. FOX  
Senior United States District Judge