

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:10-CV-316-H

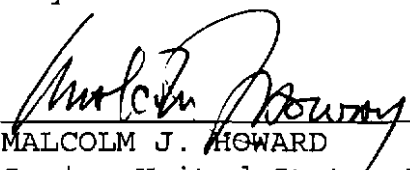
FERGUSON ENTERPRISES, INC. OF VIRGINIA,)
Appellant,)
)
v.)
)
MAMMOTH GRADING, INC., Debtor,)
Appellee.)
_____)
FORTRESS FENCING, LLC,)
Appellant,)
)
v.)
)
MAMMOTH GRADING, INC., Debtor,)
Appellee.)
_____)
GENERAL CONCRETE CONSTRUCTION, INC.,)
Appellant,)
)
v.)
)
MAMMOTH GRADING, INC., Debtor,)
Appellee.)
_____)
HANSON AGGREGATES SOUTHEAST, LLC,)
et al.,)
Appellant,)
)
v.)
)
MAMMOTH GRADING, INC., Debtor,)
Appellee.)
_____)

SITESCAPES, LLC,)
 Appellant,)
)
 v.)
)
 MAMMOTH GRADING, INC., Debtor,)
 Appellee.)
 _____)
)
 FERGUSON ENTERPRISES, INC. OF VIRGINIA,)
 Appellant,)
)
 v.)
)
 HARRELSON UTILITIES, INC., Debtor,)
 Appellee.)
 _____)

ON APPEAL FROM THE UNITED STATES BANKRUPTCY COURT
 FOR THE EASTERN DISTRICT OF NORTH CAROLINA
 RALEIGH DIVISION

This matter is before the court on a motion to dismiss appeal filed by Fortress Fencing, LLC ("Fortress") on December 21, 2010. Fortress has decided not to pursue its appeal of the bankruptcy court's order due to the costs of appeal. The court GRANTS Fortress' motion [DE #38] and hereby DISMISSES its appeal. Mammoth Grading, Inc.'s Motion to Show Cause and to Dismiss Appeals Fortress' appeal is DISMISSED as moot.

This 4th day of January 2011.



 MALCOLM J. HOWARD
 Senior United States District Judge

At Greenville, NC
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