

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

ERGS II, L.L.C.,	)	
	)	
Appellant,	)	
	)	
v.	)	
	)	
LICHTIN/WADE, LLC	)	Case No. 5:12-cv-00689-FL
	)	
	)	
Appellee.	)	
_____	)	

**ORDER DISMISSING APPEAL**

It appearing to the Court that ERGS II, L.L.C. (“ERGS”) and Joseph N. Callaway, in his capacity as the trustee of the Chapter 7 bankruptcy estate of Lichtin/Wade, LLC, have jointly requested the dismissal of the appeal commenced by ERGS’s filing of a notice of appeal in *In re Lichtin/Wade, LLC*, Case Number 12-00845-8-RDD (the “Bankruptcy Case”) and that the conversion of the Bankruptcy Case from Chapter 11 to Chapter 7 has rendered the issue appealed moot;

The Joint Motion of ERGS II, L.L.C. and Joseph N. Callaway, in his capacity as trustee of the Chapter 7 bankruptcy estate of Lichtin/Wade, LLC, to dismiss appeal is hereby **GRANTED**, without prejudice.

SO ORDERED this the 21<sup>st</sup> day of May, 2013.

  
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LOUISE W. FLANAGAN  
United States District Judge