

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

U.S. Bank National Association, as Trustee, )  
successor-in-interest to Bank of America, N.A., as )  
Trustee, successor by merger to LaSalle Bank )  
National Association, as Trustee for the )  
Registered Holders of Greenwich Capital )  
Commercial Funding Corp., Commercial )  
Mortgage Trust 2004-GG1, Commercial )  
Mortgage Pass-Through Certificates, Series 2004- )  
GG1 and Bank of America, N.A., successor by )  
merger to LaSalle Bank National Association, as )  
Trustee for the Registered Holders of Mezz Cap )  
Commercial Mortgage Trust, Commercial )  
Mortgage Pass-Through Certificates, Series 2004- )  
C1, by and through CWCapital Asset )  
Management LLC, solely in its capacity as )  
Special Servicer, )

Appellants, )

v. )

BURCAM CAPITAL II, LLC, )  
Appellee. )

**JUDGMENT IN A CIVIL CASE**  
**CASE NO. 5:13-CV-278-F**

**Decision by Court.**

This action came before the Honorable James C. Fox, Senior United States District Judge, for ruling as follows:

**IT IS ORDERED, ADJUDGED AND DECREED** that the bankruptcy court’s orders denying CWC’s motion to dismiss and confirming the plan are **REVERSED**. The remaining motions [DE-24, -26, -27] are **DENIED** without prejudice to raise the issues with the bankruptcy court on remand. This case is **REMANDED** to the bankruptcy court for further proceedings consistent with this opinion. The Clerk of Court is **DIRECTED** to close this case and case number 5:13-CV-279-F (the consolidated appeal).

**This Judgment Filed and Entered on June 24, 2014, and Copies To:**

Constance L. Young (via CM/ECF Notice of Electronic Filing)

William P. Janvier (via CM/ECF Notice of Electronic Filing)

DATE

June 24, 2014

JULIE A. RICHARDS, CLERK

/s/ Susan K. Edwards

(By) Susan K. Edwards, Deputy Clerk