

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-279-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