

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:)	
)	No. B-08-80034 C-7D
MICHAEL B. NIFONG,)	
)	<u>DESIGNATION OF RECORD</u>
Debtor)	<u>AND ISSUES ON APPEAL</u>

Pursuant to Rule 8006, Rules of Bankruptcy Procedure, the debtor/appellant designates the following documents for inclusion in the record on appeal in the District Court:

- A. Voluntary Petition and Schedules filed January 15, 2008 by the debtor.
- B. Motion of David F. Evans, et al. for Relief from the Stay, filed April 8, 2008.
- C. First Amended Complaint filed December 11, 2007, Evans v. City of Durham, No. 1:07 CV 739 (MDNC).
- D. Memorandum in Opposition to Motion for Relief from the Stay, filed by the debtor April 22, 2008.
- E. Transcript of Hearing in the Bankruptcy Court on April 24, 2008.
- F. Supplemental Brief in Support of Motion for Relief from the Automatic Stay, filed by David F. Evans, et al. May 9, 2008.
- G. Memorandum in Further Opposition to Relief from the Stay, filed by the debtor May 9, 2008.

- H. Memorandum Opinion filed May 27, 2008.
- I. Order Modifying Automatic Stay, entered May 27, 2008.
- J. Notice of Appeal filed June 5, 2008.

Pursuant to Rule 8006, copies of these documents are being mailed this day to the Clerk.

The issues to be raised on appeal to the District Court are:

1. Are the claims against Michael B. Nifong in Evans v. City of Durham, No. 1:07 CV 739 (MDNC) personal injury tort claims within the context of 28 U.S.C. 157(b)(5)?
2. Was the Bankruptcy Court in error in so concluding in its Memorandum Opinion of May 30, 2008?

Respectfully submitted,

/s/ James B. Craven III
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CERTIFICATE OF SERVICE

I have this day mailed copies of this designation to interested parties and counsel, as follows:

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This 16th day of June 2008.

/s/ James B. Craven III
James B. Craven III