

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
DOCKET NO. 1:15-cv-00194-MOC
Related Bankruptcy Case: 11-10053

| | | |
|-----------------------------|---|-------|
| BILTMORE INVESTMENTS, LTD., |) | |
| |) | |
| Appellant, |) | |
| |) | |
| Vs. |) | ORDER |
| |) | |
| TD BANK, N.A., |) | |
| |) | |
| Appellee. |) | |

THIS MATTER is before the court on Appellant Biltmore Investments, Ltd.’s “Withdrawal of Motion for Stay Pending Appeal and Brief by Appellant in Support of Appellant’s Motion for Leave to Appeal.” (#6). On October 13, 2015, this court entered an Order (#5) setting briefing deadlines regarding Appellant’s “Motion for Leave to Appeal Pursuant to 28 U.S.C. § 158(a)(3) and Stay Pending Appeal Or Expedited Briefing Schedule” (#2), requiring Appellant to file its brief in support of such motion by October 26, 2015. By the instant filing, Appellant states that it “withdraw[s] its Motion for Stay Pending Appeal or Expedited Briefing Schedule,” and then submits a brief in support of its Motion for Leave to Appeal.

The parties are reminded that each motion for relief brought before the court should be made by a separately filed pleading. See LCvR 7.1(C)(2). However, it appearing that Appellant seeks to withdraw the portion of (#2) requesting relief in the form of a Motion to Stay, the court will treat such request as a Motion to Withdraw and grant relief accordingly. It further appearing that Appellant wishes to pursue the portion of (#2) seeking relief in the form of a Motion for

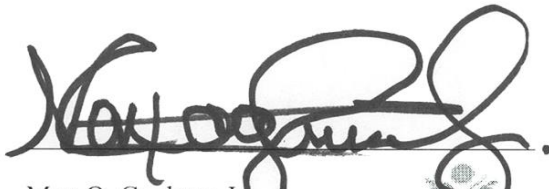
Leave to Appeal, the court will proceed with the briefing schedule that has been previously set. The court therefore enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that Appellant Biltmore Investments, Ltd.'s "Withdrawal of Motion for Stay Pending Appeal" contained within (#6), which the court deems as a Motion to Withdraw the "Motion for Stay Pending Appeal" portion of (#2), is **GRANTED**. The court deems Appellant's Motion to Stay as **WITHDRAWN**.

IT IS FURTHER ORDERED that Appellee respond to the "Brief by Appellant in Support of Appellant's Motion for Leave to Appeal" contained within (#6) by November 9, 2015, in accordance with the deadlines previously set by the court by its previous Order (#5).

Signed: October 29, 2015


Max O. Cogburn Jr.
United States District Judge