

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

---

CONSTRUCTION MATERIAL  
COMPANY, LLC; RALPH SMITH  
COMPANY,

Appellants,

v.

CEDAR CORNERS MANAGEMENT, LLC,

Appellee.

**MEMORANDUM DECISION AND  
ORDER DENYING APPELLEE'S  
MOTION TO DISMISS**

Case No. 2:23-cv-00209-JNP-CMR

District Judge Jill N. Parrish

Magistrate Judge Cecilia M. Romero

---

Appellee Cedar Corners Management, LLC moved to dismiss this appeal pursuant to Rule 8018(a)(4) of the Federal Rules of Bankruptcy Procedure because Appellants Construction Materials Company, LCC and Ralph Smith Company failed to file their appellate brief by the appropriate deadline, which was May 31, 2023. ECF No. 14. Upon a finding that Appellee was not prejudiced by delay and that Appellants did not act in bad faith, the court granted Appellants an extension to file their brief until July 14, 2023 on June 23, 2023. ECF No. 17. Because Appellants were granted an extension to file their brief, there is no longer any cause to dismiss this appeal under Rule 8018(a)(4). Thus, the court DENIES Appellee's motion to dismiss.

DATED July 11, 2023

BY THE COURT



---

Jill N. Parrish  
United States District Court Judge