

**In the United States Bankruptcy Court
for the
Southern District of Georgia
Savannah Division**

In the matter of:)	
)	
LARRY ALLEN DENNIS)	Chapter 7 Case
)	Number <u>93-40713</u>
<i>Debtor</i>)	

**ORDER ON DEBTOR'S MOTION TO RECONSIDER THIS COURT'S
NOVEMBER 27, 1996, ORDER CONFIRMING SALE AND DEBTOR'S
MOTION TO RECONSIDER THIS COURT'S JUNE 10, 1997, ORDER ON
FINAL DISBURSEMENTS**

I. Debtor's Motion to Reconsider This Court's November 27, 1996, Order Confirming Sale

This request by Debtor relates to an underlying order of this Court, dated October 4, 1994, and a subsequent denial of Debtor's motion for reconsideration, dated November 27, 1996. The November order was appealed by Debtor to the District Court for the Southern District of Georgia, and was affirmed by that court on May 5, 1997. See Dennis v. Drake, Civ. No. CV497-30 (S.D.Ga. 1997) (Moore, J.). The district court's judgment is currently on appeal to the Eleventh Circuit Court of Appeals. As such, it is the decision of this Court that with the matter pending in the Court of Appeals, this Court should not entertain further proceedings relating to this matter pursuant to 28 U.S.C. Section 158(c)(2). See Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58

(1982) (per curiam) (district court will not consider matters appealed); *See also* United States v. Vicaria, 963 F.2d 1412, 1415 (11th Cir.), *cert. denied*, 506 U.S. 998 (1992); United States v. Prows, 888 F.2d 100, 101 (11th Cir.1989); Shewchun v. United States, 797 F.2d 941, 942 (11th Cir.1986); United States v. Rogers, 788 F.2d 1472, 1475 (11th Cir.1986).

II. Debtor's Motion to Reconsider This Court's June 10, 1997, Order on Final Disbursement.

This Court conditioned its approval of the Trustee's disbursement upon the appellate review of its order relating to Debtor's objections to several claims. *See In re Dennis*, Case No. 93-40713, (Bankr. S.D.Ga. June 10, 1997) (Trustee's application approved "subject to any appellate review of this Court's Orders entered April 22, 1997"). Three of these orders are currently on appeal to the District Court. Dennis v. Barnett, CV 497-207 (S.D.Ga. 1997), Dennis v. E.S. Robbins, Inc., CV 497-206 (S.D.Ga. 1997), Dennis v. Barnett, et al., CV 497-209 (S.D.Ga. 1997). As such, it is the decision of this Court that it cannot reconsider its June 10, 1997, order at this time pursuant to 28 U.S.C. § 158(c)(2). *See* Griggs v. Provident Consumer Discount Co., 459 U.S. at 58; *See also* United States v. Vicaria, 963 F.2d at 1415; United States v. Prows, 888 F.2d at 101; Shewchun v. United States, 797 F.2d at 942; United States v. Rogers, 788 F.2d at 1475.

The June 10, 1997, Order simply authorizes disbursement of funds by the

Trustee consistent with previous orders in this case, and is expressly made subject to all appellate review of this Court's Orders of April 22, 1997, which disallowed the claim of Tammy Dennis and allowed the claims of George and Mary Barnett and of E.S. Robbins. The June 10, 1997, Order does not constitute any substantive change in the matters under review by the district court, but is merely administrative, authorizing disbursement in accordance with the substance of the prior orders which determined the allowance of claims and the order of distribution of funds. As a result, any alleged error in the June 10 Order is necessarily and solely predicated upon alleged error in the orders already on appeal. Thus the June 10, 1997, Order ought, in the interest of judicial economy, to be considered in conjunction with any ruling on the appeals of the substantive orders underlying the order dated June 10. The Clerk of this Court is therefore directed to transmit a copy of this Order and the Court's June 10, 1997, Order to be made a part of a supplemental record in each of the appeals presently pending before the District Court.

Fed. R. App. P. 10(e).



Lamar W. Davis, Jr.
United States Bankruptcy Judge

Dated at Savannah, Georgia

This 13th day of November, 1997.