

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In re:

DONNA S. RING,

Debtor.

DONNA S. RING,

Plaintiff-Appellant,

v.

WILLIAM J. RAMEKER,

Defendant-Appellee.

ORDER

06-C-385-S

On May 8, 2006 plaintiff-appellant (plaintiff) appealed the decision of the United States Bankruptcy Court in the above entitled matter. The appeal was filed in this Court on July 14, 2006. On July 21, 2006 plaintiff moved to remand the case to Bankruptcy Court. On July 26, 2006 defendant-appellee (defendant) moved to dismiss the appeal. These motions have been briefed and are ready for decision.

FACTS

On October 18, 2002 plaintiff filed a Voluntary Bankruptcy petition. William J. Rameker was appointed Trustee. On February 24, 2006 the Trustee filed with the Bankruptcy Court his final

report and requests for compensation. On March 16, 2006 plaintiff filed her objection to the Trustee's final report.

The Bankruptcy Court held a hearing on April 17, 2006 on plaintiff's objection. The Bankruptcy Court entered its decision denying plaintiff's objection and approving the compensation requests.

On April 18, 2006 the Trustee disbursed all the funds in the Bankruptcy Estate's Trust Account pursuant to the April 17, 2006 orders. The checks cleared the Estate's bank account on April 19, 2006. On April 28, 2006 plaintiff's motion for reconsideration was denied.

Plaintiff filed her notice of appeal with the Bankruptcy Court on May 8, 2006. Plaintiff did not file a motion for stay pending appeal.

MEMORANDUM

In response to plaintiff's motion to remand the above entitled matter defendant moves to dismiss the appeal. It is well established that where the appellant fails to obtain a stay of the Bankruptcy Court's order pending appeal prior to the Bankruptcy Trustee taking the ordered actions an appeal is rendered moot. In re GCI Industries, Inc., 27 F.3d 396 (7th Cir. 1994).

Since plaintiff failed to request a stay of the Bankruptcy Court's order pending appeal the Trustee complied with the Bankruptcy Court's order and disbursed the funds. Accordingly, there is

nothing further to administer in the Bankruptcy Court and this appeal is moot. Defendant's motion to dismiss the appeal will be granted. Plaintiff's motion to remand will be denied because there is no action pending in the Bankruptcy Court.

ORDER

IT IS ORDERED that defendant's motion to dismiss plaintiff's appeal is GRANTED and the appeal is DISMISSED.

IT IS FURTHER ORDERED that plaintiff's motion to remand the above entitled matter is DENIED.

Entered this 30th day of August, 2006.

BY THE COURT:

____s/_____
JOHN C. SHABAZ
District Judge