

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

LYALL A. SHARER and BETTY
E. SHARER,

Appellants,

v.

OPINION & ORDER

14-cv-745-wmc

STATE BANK OF CROSS PLAINS,

Appellee.

On August 12, 2014, Lyall and Betty Sharer filed a notice of appeal from the judgment of the United States Bankruptcy Court for the Western District of Wisconsin. (Dkt. #1.) The court received the record on appeal on October 31, 2014 and set a briefing schedule: appellants' brief in support was due on November 14, 2014, with a response due on November 28 and reply on December 12. However, appellants neither filed a brief in support nor requested an extension. Accordingly, on November 26, 2014, appellee State Bank of Cross Plains filed a motion to dismiss, on the grounds that appellants had missed their deadline and had offered no excuse for the delay. (Dkt. #4.)

On December 19, 2014, appellants filed a letter in response, indicating that they do not oppose the motion to dismiss and do not intend to prosecute this appeal. (Dkt. #6.) Accordingly, the court will grant State Bank's unopposed motion to dismiss the present appeal with prejudice.

Appellants also state in their letter that at least one issue -- that of sanctions under Rule 9011 -- remains for the Bankruptcy Court to decide. The record appears to support this contention. (*See* dkt. #1-3 (docket entry 22, granting motion for sanctions pending Bankruptcy Court's further review of defendant's accounting for attorney's fees and

expenses).) Accordingly, the court will remand this case to the Bankruptcy Court for further proceedings.

ORDER

IT IS ORDERED that:

- 1) Appellee State Bank of Cross Plains' motion to dismiss action for appeal (dkt. #4) is GRANTED.
- 2) This case is REMANDED to the Bankruptcy Court for further proceedings.

Entered this 30th day of December, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge