

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

April 9, 2020

Christopher M. Wolpert
Clerk of Court

In re: MICHAEL LERNER,

Debtor.

LPF II, LLC,

Petitioner,

v.

MICHAEL LERNER,

Respondent.

No. 20-600
(18-21510)
(United States Bankruptcy Court for the
District of Kansas)

In re: MICHAEL LERNER,

Debtor.

CHRISTOPHER J. REDMOND, Chapter 7
Trustee,

Petitioner,

v.

MICHAEL LERNER,

Respondent.

No. 20-601
(D.C. No. 18-21510)
(United States Bankruptcy Court for the
District of Kansas)

ORDER

Before **HARTZ**, **MATHESON**, and **McHUGH**, Circuit Judges.

These matters are before the court on the petitions of Christopher J. Redmond in his capacity as the Chapter 7 Trustee of the bankruptcy estate of Michael Lerner and of LPF II, LLC, both of which request this court's permission under Fed. R. App. P. 5 and 28 U.S.C. § 158(d) to bring a direct appeal of the December 11, 2019 Memorandum Opinion the United States Bankruptcy Court for the District of Kansas entered in *In re: Lerner*, No. 18-21510 (Bankr. D. Kan.). [See ECF No. 102 (addressing the burden of proof when litigating objections the Trustee and LPF II have lodged to Mr. Lerner's claimed exemptions)].

Upon consideration, the court grants the petitions. Petitioners need not file separate notices of appeal: the date of this order will serve as the date of the notices of appeal for purposes of calculating time under the Federal Rules of Appellate Procedure. See Fed. R. App. P. 5(d)(2).

Pursuant to Judicial Conference Policy, each petitioner shall pay \$207 (i.e., the difference between the circuit filing fee and the Bankruptcy Appellate Panel filing fee) to the Clerk of the bankruptcy court within 14 days of the date of this order. See Fed. R. App. P. 5(d)(1)(A). Pursuant to Fed. R. App. P. 5(d)(3), the court: (1) directs the Clerk of the bankruptcy court to notify this court when petitioners have paid their respective filing fees; and (2) directs its own Clerk to then open the appeals.

Once the appeals are open, the court will provide the parties with additional information regarding their prosecution.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in black ink, appearing to read "LA Lee".

by: Lisa A. Lee
Counsel to the Clerk