

UNITED STATES BANKRUPTCY APPELLATE PANEL  
FOR THE FIRST CIRCUIT

In re:	*
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CAROL EAST PALESKY	*
d/b/a EAST ASSOCIATES,	* BAP NO. EP 99-033
	*
Debtors	*
	*
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CAROL EAST PALESKY	*
d/b/a EAST ASSOCIATES,	*
Appellant,	* Case No. 98-20368JAG
	* Adversary Proceeding
v.	* No. 98-2073
	*
	*
MAINE SCHOOL ADMINISTRATIVE	*
DISTRICT NO. 75	*
and	*
MAINE SCHOOL ADMINISTRATIVE	*
DISTRICT NO. 75 BOARD OF	*
DIRECTORS,	*
	*
Appellees.	*
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ORDER DENYING REQUEST FOR STAY

**BOROFF, B.J.**

WHEREAS, the matter before the Bankruptcy Appellate Panel is a March 17, 1999 "Request" by the Appellant (the "Debtor") that a "hold be placed" on the prosecution of Adversary Proceeding Nos. 98-2054 and 98-2073, each in Case No. 98-20368, pending in the United States Bankruptcy Court for the District of Maine, as well as the prosecution of her appeal of orders of the bankruptcy

court, dated January 22, 1999 in Adversary Proceeding 98-2054 and orders of the bankruptcy court, dated January 26, 1999 and February 9, 1999, in Adversary Proceeding 98-2073;<sup>1</sup> and

WHEREAS, the stated ground for the stay request is that the Plaintiff/Appellee in Adversary Proceeding No. 98-2054, Peter Fessenden ("Fessenden"), allegedly accepted an out-of-court settlement with the Debtor on or before February 10, 1999, and that the Plaintiffs/Appellees, in Adversary Proceeding No. 98-2073, Maine School Administrative District No. 75 and Maine School Administrative District No. 75 Board of Directors (jointly "MSAD"), allegedly accepted an out-of-court settlement with the Debtor on or before January 26, 1999; and

WHEREAS, on March 4, 1999, Fessenden filed a Motion to Dismiss, inter alia, the Debtor's appeal of the bankruptcy court order of January 22, 1999, upon procedural grounds not relevant here; and

WHEREAS, on March 23, 1999, MSAD filed an opposition to the requested stay with respect to the bankruptcy court orders of January 26, 1999 and February 9, 1999, noting that no final settlement has been reached; and

WHEREAS, with respect to the request for a stay of the instant appeals, the request must be denied for the simple reason

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<sup>1</sup> I believe that the February 9, 1999 order complained of was really entered on February 22, 1999.

that the settlement of a dispute between two or more entities requires the meeting of more than one mind; and

WHEREAS, with respect to the request for a stay of the underlying adversary proceedings, there is nothing to stay, the appealed from orders being the final resolution of those disputes,

the Debtor's request for stay of the aforesaid matters is DENIED.

SO ORDERED

On this 16th day of July, 1999.