

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

RECEIVED
U.S. DISTRICT COURT
DISTRICT OF VERMONT
SEP 24 1999

ST. JOHNSBURY TRUCKING)
COMPANY, INC.)

Adv. Pro. No. 96/1023

✓ #420-1
plf

v.)

Appeal No. 1:99 cv246

LIBERTY MUTUAL INSURANCE)
COMPANY, NATIONAL UNION)
FIRE INSURANCE COMPANY)
OF PITTSBURGH, PA,)
RELIANCE INSURANCE)
COMPANY, ROYAL)
INSURANCE COMPANY OF)
AMERICA, TRANSPORT)
INSURANCE COMPANY, and the)
TRAVELERS INDEMNITY)
COMPANY)

REC'D @ U.S.P.S.
FILED 8:00 A.M.

SEP 24 1999

U.S. DISTRICT COURT
DISTRICT OF VT

**MOTION TO DISMISS APPEAL AS INTERLOCUTORY OR IN THE
ALTERNATIVE TO RECONSIDER JOINT MOTION FOR STAY OF APPEAL
OR EXTEND THE TIME FOR FILING BRIEFS¹**

NOW COMES Appellant, Liberty Mutual Insurance Company ("Liberty"), by and through its attorneys, Affolter, Gannon & Flynn, Ltd., and hereby moves this Court to dismiss this Appeal as interlocutory. In the alternative, Liberty moves this Court to reconsider its order denying the parties' joint motion to stay the appeal or extend the briefing deadlines. The grounds for this motion are that issues remain to be resolved in this case by the Bankruptcy Court, and that therefore the appeal is premature or cause exists to stay the appeal until the remaining issues are finally resolved. As further support for this motion, Liberty relies on the accompanying memorandum.

¹ It is expected that St. Johnsbury will concur in this motion; however, Attorney Mark Miller, who has primary responsibility for representing St. Johnsbury's interests in this case, is unavailable due to the birth of his first child.

✓ Motion to dismiss is GRANTED.
Dated at Brattleboro, Vermont this 23rd day of September, 1999.
Chief Judge
Garvan Murtha

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United States District Court

District of Vermont

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FBI

SEP 23 1999 3:01

ST. JOHNSBURY TRUCKING
COMPANY, INC.,

Appellee,

v.

LIBERTY MUTUAL INSURANCE COMPANY,
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA, RELIANCE
INSURANCE COMPANY, ROYAL INSURANCE
COMPANY OF AMERICA, TRANSPORT
INSURANCE COMPANY, and the
TRAVELERS INDEMNITY COMPANY,

Appellants.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 1:99-CV-246

pl5

 Jury Verdict. This action came before the Court for trial by jury. The issues have been tried and the jury has rendered its verdict.

 X **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that pursuant to the Court's endorsed order dated September 23, 1999, appellant, Liberty Mutual Insurance Company's Motion to Dismiss Appeal as Interlocutory or in the Alternative to Reconsider Joint Motion for Stay of Appeal or Extend the Time for Filing Briefs (Paper No. 7) is granted. This appeal is hereby **DISMISSED** as interlocutory.

Date: September 23, 1999

RICHARD PAUL WASKO

Clerk

Pamela L. Sanderson

(By) Deputy Clerk

REC'D @ U.S.P.S.
FILED 8:00 A.M.

JUDGMENT ENTERED ON DOCKET
DATE: 9/23/99

SEP 24 1999

U.S. DISTRICT COURT
DISTRICT OF VT

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RICHARD PAUL WASKO
CLERK

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
DISTRICT OF VERMONT
FEDERAL BUILDING
BURLINGTON, VERMONT 05402-0945

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Civil Action No. 1:99-CV-246

Date September 23, 1999

St. Johnsbury Trucking Company, Inc. vs. Liberty Mutual Insurance
Company, et al.

NOTICE TO LITIGANTS

Pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure as it reads in part... "In a civil case in which an appeal is permitted by law as of right from a district court to a court of appeals, the notice of appeal required by Rule 3 shall be filed with the clerk of the district court within 30 days [60 days if the United States, an officer or an agency is a party] after the date of entry of the judgment or order appealed from."

PLEASE TAKE NOTICE

1. Judgment or Order filed September 23, 1999
2. Date of Entry of Judgment or
Order on the docket of this court September 23, 1999
3. Notice of Appeal **MUST** be filed
on or before October 25, 1999


Deputy Clerk

REC'D @ U.S.P.S.
FILED 8:00 A.M.

SEP 24 1999

U.S. BKPTCY CRT
DISTRICT OF VT