

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT  
100 EAST FIFTH STREET, ROOM 538  
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CINCINNATI, OHIO 45202-3988

LEONARD GREEN  
CLERK

TELEPHONE  
(513)684-2953

July 7, 1993

David M. Cantor  
Marjaret J. Gillis  
Leslie Rosenbaum  
Frank J. Shannon III

RE: 92-6249  
Leckie vs. C.T.C. Minemet Inc  
District Court No. 92-00230

Enclosed is a copy of an order which was entered today in the above-styled case.

Very truly yours,  
Leonard Green, Clerk

*Julie Brock*  
Julie Brock  
Deputy Clerk

Enclosure

cc:  
Honorable G. Wix Unthank  
Mr. Leslie G. Whitmer

INFORMATION COPY  
MANDATE NOT YET ISSUED  
DIS. CT. # 92-00230

**FILED**

JUL 07 1993

LEONARD GREEN, Clerk

NOT FOR PUBLICATION

92-6249

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

NOT RECOMMENDED FOR FULL TEXT PUBLICATION

Sixth Circuit Rule 24 limits citation to specific situations. Please see Rule 24 before citing in a proceeding in a court in the Sixth Circuit. If cited, a copy must be served on other parties and the Court. This notice is to be prominently displayed if this decision is reproduced.

ANDREW J. LECKIE,  
Defendant-Appellee,  
v.  
C.T.C. MINEMET, INC.,  
Plaintiff-Appellee,

ON APPEAL FROM THE  
UNITED STATES DISTRICT  
COURT FOR THE EASTERN  
DISTRICT OF KENTUCKY.

BEFORE: KEITH, JONES and BROWN, Circuit Judges.

**PER CURIAM:** Defendant-Appellant, Andrew J. Leckie, appeals the district court's ruling affirming a decision of the bankruptcy court modifying an automatic stay to permit the Plaintiff-Appellee, C.T.C. Minemet ("C.T.C."), to pursue a civil action against Leckie. C.T.C. is a creditor of Leckie and commenced a third party action against Leckie in March of 1990 in the United States District Court for the Northern District of New York ("NDNY").

In October of 1991, Leckie filed a petition for Chapter 7 bankruptcy in the U.S. Bankruptcy Court for the Eastern District of Kentucky. On May 22, 1992, the bankruptcy court granted C.T.C.'s motion for relief from the stay to pursue its claims in the district court of the NDNY. On appeal, the district court affirmed the decision of the bankruptcy court.

Having carefully considered the record and issues presented in the briefs and at oral argument, we find no error warranting reversal. Therefore, we **AFFIRM** the decision of the Honorable G. Wix Unthank, United States District Judge for the

Eastern District of Kentucky, for the reasons set forth in his September 3, 1992, memorandum opinion.

423-EDKy.

UNITED STATES  
EASTERN DISTRICT OF TENNESSEE

STATE REPORT OF CLERK

*Post on  
Computer  
then  
file  
file,  
please*

Docket: Pikeville

Date: September 25, 1992

To: Judge G. Wix Unthank

Re: (style) Andrew J. Leckie vs. C.T.C. Minemet, INC. (No.) 92-230

Date of Entry of Order/Judgment Appealed: 9/3/92

Date Notice of Appeal Filed: 9/25/92

By: Plaintiff - Defendant - Both

Appeal Dismissed on Motion of: Appellant - - By Agreement

6CCA Action:

Judgment - Date filed District Court: 8/2/93

Order - Date filed District Court: \_\_\_\_\_

Mandate - Date filed District Court: \_\_\_\_\_

Affirmed - Reversed - Modified \_\_\_\_\_  
(date filed)

Dismissed for Lack of Prosecution: \_\_\_\_\_  
(date filed)

LESLIE G. WHITMER, CLERK

*Melinda C. Blum*  
Deputy Clerk

Copy:  
Judge Unthank ✓  
9/25/92

423-EDKy.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY

*file,  
please*

STATUS REPORT OF CASE ON APPEAL

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(date filed)

LESLIE G. WHITMER, CLERK

*Melinda C. Blum*  
Deputy Clerk

Copy:  
Judge Unthank ✓  
9/25/92