



Eileen W. Hollowell

Eileen W. Hollowell, Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

In re:	)	Chapter 11
)	
TRANSWEST RESORT	)	Case No. 4:10-bk-37134-EWH
PROPERTIES, INC., an Arizona	)	(Jointly Administered)
corporation,)	
	)	MEMORANDUM REGARDING
Debtor.	)	REQUEST FOR ENTRY OF
	)	WRITTEN ORDERS DENYING
TRANSWEST TUCSON PROPERTY,	)	MOTIONS FOR RELIEF FROM
L.L.C., a Delaware limited liability	)	STAY
company,)	
	)	4:10-bk-37160-EWH
Debtor.)	
)	
TRANSWEST HILTON HEAD)	
PROPERTY, L.L.C., a Delaware limited	)	4:10-bk-37170-EWH
liability company,)	
)	
Debtor.)	
)	
TRANSWEST TUCSON II, L.L.C.,)	
a Delaware limited liability company,	)	4:10-bk-37151-EWH
)	
Debtor.)	
)	
TRANSWEST HILTON HEAD II,)	
L.L.C., a Delaware limited liability)	4:10-bk-37145-EWH
company,)	
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Debtor.)	

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1 Pending before this Court is JPMCC 2007-C1 Grasslawn Lodging LLC's
2 ("Grasslawn") submission of two proposed forms of order denying relief from stay
3 ("Proposed Orders"). The Debtors have filed an objection ("Objection") to the Proposed
4 Orders.¹

6 **DISCUSSION**

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8 On January 3, 2012, Grasslawn filed a Notice of Appeal in these jointly
9 administered cases ("Appeal"). Among the issues Grasslawn appeals are the Court's oral
10 ruling ("Oral Ruling") of December 16, 2011, denying two motions for relief from stay
11 ("Motions"). Grasslawn seeks a written order denying motion for relief from stay on its
12 secured claims against the Debtors and a second order denying Pim Ashford Subsidiary I,
13 LLC's ("Ashford") motion for relief from stay on Ashford's secured claims against
14 Transwest Tucson II, LLC and Transwest Hilton Head II, LLC. Grasslawn asserts it is
15 the assignee of Ashford's claims. Debtor disputes the validity and scope of that
16 assignment. The Court did not address or rule on that dispute in its Oral Ruling.
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19 The Objection argues that Grasslawn, by virtue of the Appeal, cannot ask this
20 Court to enter the Proposed Orders because the Court has been divested of subject-matter
21 jurisdiction over the issues on appeal. See In re Padilla, 222 F.3d 1184, 1190 (9th Cir.
22 2000).
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26 ¹ This matter has been fully brief by the parties and the Court has determined it may rule
27 on Grasslawn's request without oral argument.

1 However, as the Padilla court noted, even after a notice of appeal is filed: “[a]bsent
2 a stay or supersedeas, the trial court also retains jurisdiction to implement or enforce the
3 judgment or order but may not alter or expand upon the judgment.” Id. Therefore, a
4 written order denying the Motions that does not alter or expand upon the Oral Ruling, is
5 not prohibited. However, to the extent that entry of a written order could constitute a
6 determination of the validity and scope of the assignment of Ashford’s claim to
7 Grasslawn, entry of a written order would exceed the scope of this Court’s jurisdiction
8 because it would substantively impact an issue on appeal. Accordingly, the Court
9 declines to enter such an order.

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12 Entry of a written order lifting the stay as to Grasslawn does not violate Padilla
13 because it simply implements the Oral Ruling. However, the Grasslawn Proposed Order
14 exceeds the scope of the Oral Ruling, which consisted of nine words. Accordingly, the
15 Court will enter an order on Grasslawn’s Motion, which is consistent with the Oral
16 Ruling.²

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19 Dated and signed above.
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26 ² The balance of the Objection addresses whether Grasslawn is estopped from appealing the
27 denial of the Motions because of settlement. Because deciding that issue would impact the issues on
28 appeal, this Court is divested of jurisdiction to decide it. See In re Padilla, supra.

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