

UNITED STATES BANKRUPTCY COURT
For the Southern District of Iowa

In the Matter of :
CENTRAL STEEL TUBE COMPANY, : Case Nos. 83-856-D H
and THE DONOVAN WIRE & IRON : 83-857-D H
COMPANY, :
Debtors. : Chapter 11

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ORDER--APPELLANT CLINTON COUNTY'S ALTERNATIVE
MOTION TO STRIKE APPELLEE'S DESIGNATION OF RECORD
OR MOTION TO AMEND APPELLANT'S DESIGNATION OF RECORD

On July 6, 1989, a hearing was held on Appellant Clinton County's alternative motion to strike Appellee's designation of record or motion to amend Appellant's designation of record. H. Lorraine Wallace appeared on behalf of Appellant Clinton County; Elizabeth E. Goodman appeared on behalf of Kal & Co./Appellee; and Michael P. Mallaney appeared on behalf of Debtor/Appellee.

This is a core proceeding pursuant to 28 U.S.C. §157(b).

Bankruptcy Rule 8006 provides, in part:

The record on appeal shall include the items so designated by the parties, the notice of appeal, the judgment, order, or decree appealed from, and any opinion, findings of fact, and conclusions of law of the court.

B.R. 8006. In its designation of additional papers for the record on appeal, Appellee Kal & Co. sought to make part of the record on appeal eight documents including the following legal briefs and memoranda of law filed in this case by Kal & Co.:

- 1) Defendant's memorandum in support of motion for summary judgment filed August 2, 1988.
- 2) Memorandum brief in support of Kal & Co.'s resistance to Plaintiff's counter motion for summary judgment filed September 6, 1988.
- 3) Kal & Co.'s brief in support of Defendant's motion to strike and objections to affidavits filed September 22, 1988.
- 4) Memorandum brief of Defendant, Kal & Co., in reply to supplemental brief in support of Plaintiff's countermotion filed September 30, 1988.

The Court concludes that the above-described legal briefs and memoranda of law are outside the scope of B.R. 8006.

IT IS ACCORDINGLY ORDERED that Appellant Clinton County's motion to strike Appellee's designation of record is granted.

WHEREFORE, based on the above order concerning Appellant Clinton County's motion to strike Appellee's designation of record, Appellant Clinton County's motion to amend Appellant's designation of record is moot.

IT IS ACCORDINGLY ORDERED that Appellant Clinton County's motion to amend Appellant's designation of record is denied.

Dated this 25th day of July, 1989.

RUSSELL J. HILL
U.S. BANKRUPTCY JUDGE