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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

In Re:

BK Case No. 2-03-22426-JCN

DAVID A. YOUNG, JR.,
a/k/a Officer of Reynolds Electrical
Contractors, Inc.,

Debtor.

FILED
04 DEC 13 PM 1:26
U.S. DISTRICT COURT
W.D.N.Y. ROCHESTER

KOVALSKY-CARR ELECTRIC SUPPLY CO., INC.

Plaintiff-Appellee,

-vs-

Case No.: 04-cv-6489

DAVID A. YOUNG, JR., Individual, and
DAVID A. YOUNG, JR., as Officer of REYNOLDS
ELECTRICAL CONTRACTORS, INC.,

Defendant-Appellant.

ORDER DENYING LEAVE TO APPEAL
AND DISMISSING APPEAL

Plaintiff-Appellee Kovalsky-Carr Electric Supply Co., Inc. having moved this court for an order dismissing the above-captioned appeal and Defendant-Appellant David Young having submitted an affidavit of Kenneth W. Gordon and memorandum of law in opposition to the motion and moving for leave to appeal and the motions having been heard on November 14, 2004 and after hearing David D. MacKnight, Esq. one of the attorneys for the Plaintiff-Appellee in support of the motion to dismiss and in opposition to the motion for leave to appeal and Kenneth W. Gordon, Esq. one of the attorneys for the Defendant-Appellant in opposition to the motion to dismiss and in support of the motion for leave to appeal and the court

having read its oral decision into the record and noting that the court may supplement the oral decision with a written decision, it is

Ordered that the motion to dismiss the appeal is granted, and it is further

Ordered that the motion for leave to appeal is denied, and it is further

Ordered that the matter is remanded to the Bankruptcy Court for such further proceedings as the Bankruptcy Judge shall direct.

Dated: December 13, 2004
Rochester, New York

United States District Judge