

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 4, 2013

**Elisabeth A. Shumaker
Clerk of Court**

KIM DALE,

Plaintiff - Appellant,

v.

HAWKER BEECHCRAFT
CORPORATION,

Defendant - Appellee.

No. 12-3140
(D.C. No. 6:11-CV-01036-CM-KMH)

ORDER

Before **KELLY, MURPHY, and GORSUCH**, Circuit Judges.

This matter is before the court following receipt of responses to the court's February 26, 2013, order to show cause as to why this appeal should not be dismissed.

By way of background, Appellee Hawker Beechcraft Corporation filed a Status Report Regarding Bankruptcy on February 22, 2013, indicating that Appellant Kim Dale was now permanently enjoined from continuing this appeal. Appellee asserted that all claims against it that arose before February 1, 2013, had been discharged in its bankruptcy proceedings, including Appellant's unresolved claims at issue in this appeal. By order dated February 26, 2013, the court directed Appellant to show cause as to why the appeal should not be dismissed. Appellant filed a response suggesting that she

intended to proceed with the appeal. The court then directed Appellee to respond to Appellant's arguments. Appellee has filed a response.

Upon careful consideration of the parties' submissions and the applicable law, we have determined that the confirmation of Appellee's reorganization plan discharged Appellant's claims in this appeal by operation of law. 11 U.S.C. § 1141(d)(1)(A); *see also Jaurdon v. Cricket Communications, Inc.*, 412 F.3d 1156, 1158-59 (10th Cir. 2005). As a result, the appeal cannot continue.

The abatement of this appeal issued on May 17, 2012, is lifted. APPEAL
DISMISSED.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk



by: Lara Smith
Counsel to the Clerk