

Appeals  
File

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**NOT RECOMMENDED FOR PUBLICATION**

DIS. CT. # ~~86-03221~~  
91-00151

Nos. 91-6462/6463/6464

**FILED**

JAN 8 1993

LEONARD GREEN, Clerk

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

RUBEN G. HICKS, )  
)  
**Plaintiff-Appellant,** )  
**Cross-Appellee,** )  
)  
)  
)  
v. )  
)  
)  
JOHN SLOAN et al., )  
)  
**Defendant-Appellee,** )  
**Cross-Appellant.** )

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

**O R D E R**

**NOT RECOMMENDED FOR FULL-TEXT PUBLICATION**  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.*

**BEFORE: MILBURN and NORRIS, Circuit Judges; KRUPANSKY, Senior Circuit  
Judge.**

This cause is before us upon a petition for rehearing of our order dismissing the captioned appeals, entered on November 10, 1992. The petition was filed by the defendants Sloan, and the plaintiff trustee advises the court he does not oppose the petition.

Rehearing is granted and the Order of November 10, 1992 is **vacated**.

Following oral argument on these appeals, the parties filed a "Joint Motion to Adopt Settlement Agreement." A settlement agreement was attached.

In their joint motion, the parties represented that the settlement had been

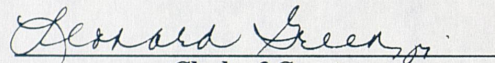
Nos. 91-6462/6463/6464  
*Hicks v. Sloan*

presented to and approved by the bankruptcy court, and we are asked to adopt the settlement agreement as our "Judgment and Mandate."

As it appears to the court that the settlement agreement has been approved by the bankruptcy court, this court will adopt the settlement agreement as its order disposing of the appeals.

The appeals in Case Nos. 91-6462, 91-6463, and 91-6464 are therefore settled and compromised upon the terms of the settlement agreement entered into by the parties and approved by the United States Bankruptcy Court for the Eastern District of Kentucky, Corbin Division, on October 6, 1992, which settlement agreement is adopted as the Order of this court disposing of the appeals. This cause is remanded to the bankruptcy court for enforcement of the terms of the settlement agreement, should the occasion arise.

ENTERED BY ORDER OF THE COURT

  
Clerk of Court

Guall

NOT RECOMMENDED FOR PUBLICATION

Nos. 91-6462/6463/6464

*Lon Cir 86-227 + 91-157*

**FILED**

NOV 10 1992

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

Eastern District of Kentucky LEONARD GREEN, Clerk

**FILED**

NOV 13 1992

RUBEN G. HICKS,  
  
Plaintiff-Appellant,  
Cross-Appellee,

v.

JOHN SLOAN et al.,  
  
Defendant-Appellee,  
Cross-Appellant.

AT LONDON  
LESLIE G. WHITMER  
CLERK, U. S. DISTRICT COURT  
**ON APPEAL FROM THE UNITED  
STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF  
KENTUCKY**

**ORDER**

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION  
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cited, a copy must be served on other parties and the Court.  
*This notice is to be prominently displayed if this decision is reproduced.*

**BEFORE: MILBURN and NORRIS, Circuit Judges; KRUPANSKY, Senior Circuit  
Judge.**

Following oral argument on this appeal, the parties filed a "Joint Motion to Adopt Settlement Agreement." A settlement agreement was attached.

In their joint motion, the parties represent that the settlement has been presented to and approved by the bankruptcy court, and we are asked to adopt the settlement agreement as our "Judgment and Mandate."

In view of our unfamiliarity with the circumstances surrounding the settlement, and because appellate courts ordinarily are not equipped to enforce the terms of settlement agreements, the better course of action is for the parties to seek adoption and

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*Hicks v. Sloan*

enforcement of the agreement by the district court.

Accordingly, it appearing to this court that the parties have compromised and settled their differences, this appeal is **dismissed** and the cause is **remanded** to the district court for consideration of the agreement of the parties to settle their differences.

**ENTERED BY ORDER OF THE COURT**

*Leonard Green, Jr.*  
Clerk of Court

A TRUE COPY.

Attest:  
LEONARD GREEN, Clerk

By *Barbara*  
Deputy Clerk

EDKy

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY

STATUS REPORT OF CASE ON APPEAL

Docket: LONDON

Date: 12-6-91

To: Judge G. Wix Unthank

Re: - (Style) - Rubin Hicks, Tr. vs Lola Gay Sloan, et al (No.) 86-227  
91-157

Date of Entry of Order/Judgment appealed: 10-25-91

Date Notice of Appeal filed: 12-6-91 CROSS-APPEAL

By: Plaintiff - Defendant - Both

Appeal dismissed on motion of: Appellant - By Agreement

6CCA Action:

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

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

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

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

Dismissed for lack of prosecution: \_\_\_\_\_  
(date filed)

\_\_\_\_\_  
DEPUTY CLERK

EDKy

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY

*Put in  
"Appeal  
File"*

STATUS REPORT OF CASE ON APPEAL

Docket: LONDON

Date: 11-25-91

To: Judge G. Wix Unthank

Re: - (Style) Ruben Hicks Tr. vs Lola Gay Sloan, et al (No.) 86-227 consolidate with 91-157

Date of Entry of Order/Judgment appealed: 10-25-91

Date Notice of Appeal filed: 11-22-91

By: Plaintiff - Defendant - Both

Appeal dismissed on motion of: Appellant - By Agreement

6CCA Action:

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

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

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

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

Dismissed for lack of prosecution: \_\_\_\_\_  
(date filed)

\_\_\_\_\_  
DEPUTY CLERK

EDKy

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY

STATUS REPORT OF CASE ON APPEAL

Docket: LONDON

Date: 11-25-91

To: Judge G. Wix Unthank

Re: - (Style) Ruben Hicks, Tr. vs Lola Gay Sloan, et al (No.) 86-227 consolidated with 91-157

Date of Entry of Order/Judgment appealed: 10-25-91

Date Notice of Appeal filed: 11-22-91

By: Plaintiff - Defendant - Both

Appeal dismissed on motion of: Appellant - By Agreement

6CCA Action:

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

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

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

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

Dismissed for lack of prosecution: \_\_\_\_\_  
(date filed)

\_\_\_\_\_  
DEPUTY CLERK