

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 06-3858 (DSD)

In re:

Meredith Ann Forgosh a/k/a  
Meredith Ann Edelman Forgosh,

Bky. No. 05-38890 (DDO)  
Adv. No. 06-3056

Debtor.

The Society of Lloyd's,

Plaintiff,

**ORDER**

v.

Meredith Ann Forgosh a/k/a  
Meredith Ann Edelman Forgosh,

Defendant.

This matter is before the court upon defendant Meredith Ann Forgosh's motion for leave to file an interlocutory appeal from an order of United States Bankruptcy Judge Dennis D. O'Brien dated September 14, 2006. In that order, the bankruptcy judge denied defendant's motion to dismiss the complaint of plaintiff The Society of Lloyd's.

Pursuant to 28 U.S.C. § 158(a), the court has discretion to hear an appeal of an interlocutory order or decree of a bankruptcy judge. To determine whether leave should be granted, the court applies the standard set forth in 28 U.S.C. § 1292(b), which permits an interlocutory appeal to a circuit court of appeals from an order of a district court when the order "involves a controlling question of law as to which there is substantial ground for

difference of opinion" and an immediate appeal therefrom will "materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b); see also In re Mach., Inc., 275 B.R. 303, 307 (B.A.P. 8th Cir. 2002). The court grants interlocutory review sparingly and only in "'exceptional cases.'" In re Mach., 275 B.R. at 307 (quoting In re Wicheff, 215 B.R. 839, 844 (B.A.P. 6th Cir. 1998)).

Defendant has not established the criteria set forth by 28 U.S.C. § 1292(b) to warrant an interlocutory appeal. The court finds that there has been no showing that this appeal involves a controlling question of law as to which there is a substantial ground for difference of opinion. Further, nothing in defendant's motion indicates that an appeal would materially advance the termination of this litigation.

Therefore, upon a review of the file, arguments of counsel and the order of the bankruptcy judge, **IT IS HEREBY ORDERED** that defendant's motion for leave to file an interlocutory appeal [Docket. No. 1] is denied, and this appeal is dismissed.

Dated: October 17, 2006

s/David S. Doty  
David S. Doty, Judge  
United States District Court