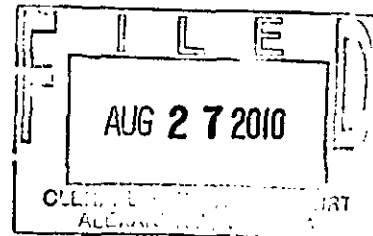


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division



FIRST OWNERS' ASSOCIATION OF)
FORTY SIX HUNDRED)
CONDOMINIUM, INC.,)

Appellant,)

v.)

Civil Action No. 01:10-cv-872

GORDON PROPERTIES, LLC)

Appellee.)

ORDER

This matter comes before the Court on Appellee Gordon Properties, LLC's Amended Motion to Dismiss Appeal. Appellee moves to dismiss Appellant First Owner's Association of Forty Six Hundred Condominium, Inc.'s appeal from the United States Bankruptcy Court for the Eastern District of Virginia on two grounds: 1) the Appellant lacks standing to appeal the bankruptcy court's order because it was the prevailing party; and 2) the order from which the Appellant has appealed is an interlocutory order, and there is no cause to grant leave for an interlocutory appeal in this case.

In the proceedings below, Judge Mayer denied Appellee's Motion for a Preliminary Injunction to Enforce Automatic Stay. Appellant nevertheless appeals to this Court a finding the bankruptcy court made in its opinion, "that enforcing Bylaws

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CLERK
US BANKRUPTCY COURT
ALEXANDRIA DIVISION

FILED

Article IV, Section 7 for a pre-petition condominium fee violates the automatic stay." This statement, however, was wholly collateral to the bankruptcy court's ultimate decision denying Appellee's preliminary injunction.

An appellate court "reviews judgments, not statements in opinions," California v. Rooney, 483 U.S. 307, 311 (1987) (per curiam), and "[a] party may not appeal from a judgment or decree in his favor for the purpose of obtaining a review of findings he deems erroneous which are not necessary to support the decree," Electrical Fittings Corp. v. Thomas & Betts Co., 307 U.S. 241, 242 (1939). As Appellant prevailed below, Appellant has no standing to appeal to this Court. Thus, this Court has no jurisdiction to hear this case. See Warth v. Seldin, 422 U.S. 490, 498-99 (1975). It is hereby

ORDERED that Appellee's Motion is GRANTED, and this appeal from the Bankruptcy Court is DISMISSED.

/s/
Claude M. Hilton
United States District Judge

Alexandria, Virginia
August 27, 2010