

JAN 23 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: JOHN M. LADNER; TERRY T.  
LADNER,

Debtors-Appellants.

No. 07-16588

D.C. No. 07-00253-PHX-JAT

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
James A. Teilborg, District Judge, Presiding

Submitted January 13, 2009\*\*

Before: O'SCANNLAIN, BYBEE and CALLAHAN, Circuit Judges.

John M. Ladner and Terry T. Ladner appeal from the district court's order dismissing their appeal from a bankruptcy court order approving a reaffirmation agreement. We have jurisdiction pursuant to 28 U.S.C. § 158. We review de novo a district court's decision on appeal from a bankruptcy court, *Ditto v. McCurdy*, 510 F.3d 1070, 1075 (9th Cir. 2007), and we affirm.

---

\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The issue is moot because counsel signed the certification and the bankruptcy court approved the reaffirmation agreement. *See City of Auburn v. United States*, 154 F.3d 1025, 1028 n.5 (9th Cir. 1998) (“an appeal should be dismissed as moot if the occurrence of intervening events renders a decision unnecessary”).

The district court also properly concluded that the appellants seek an unconstitutional advisory opinion as to the portion of the bankruptcy court order requiring counsel to sign certifications on reaffirmation agreements submitted to the court for approval in the future. *See Gator.com Corp. v. L.L. Bean, Inc.*, 398 F.3d 1125, 1132 (9th Cir. 2005) (en banc) (stating rule that courts must avoid issuing advisory opinions on abstract or hypothetical controversies).

**AFFIRMED.**