

JUL 10 2013

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: IBT INTERNATIONAL, INC.,

Debtor,

IBT INTERNATIONAL, INC.,

Appellant,

v.

DAVID TEDDER ENTITIES, Van Dan
Limited Partnership, CMT Limited
Partnership, DTG Limited Partnership,
Gallery I, Inc., Hampton Limited
Partnership, Key Enterprises, Inc., Slevin
Limited Partnership, Showthunder, Inc.,
Trails End Limited Partnership, Birch
International Limited Partnership;
DONALD GRAMMER ENTITIES,
Banyan Limited Partnership, Orange
Blossom Limited Partnership, Pear Tree
Limited Partnership,

Appellees.

No. 12-60061

BAP No. 11-1684

MEMORANDUM*

In re: SOUTHERN CALIFORNIA
SUNBELT DEVELOPERS, INC.,

No. 12-60065

BAP No. 11-1685

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

Debtors,

SOUTHERN CALIFORNIA SUNBELT
DEVELOPERS, INC.,

Appellant,

v.

DAVID TEDDER ENTITIES, Van Dan
Limited Partnership, CMT Limited
Partnership, DTG Limited Partnership,
Gallery I, Inc., Hampton Limited
Partnership, Key Enterprises, Inc., Slevin
Limited Partnership, Showthunder, Inc.,
Trails End Limited Partnership, Birch
International Limited Partnership;
DONALD GRAMMER ENTITIES,
Banyan Limited Partnership, Orange
Blossom Limited Partnership, Pear Tree
Limited Partnership,

Appellees.

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel
Kirscher, Markell and Dunn, Bankruptcy Judges, Presiding

Submitted June 12, 2013**

Before: SCHROEDER, FISHER and N.R. SMITH, Circuit Judges.

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

Appellants appeal the decision of the Bankruptcy Appellate Panel affirming the decision of the bankruptcy court denying the appellants' motion for attorney's fees incurred at the appellate level. We affirm for the reasons stated in the Bankruptcy Appellate Panel's well-reasoned memorandum decision of August 7, 2012. *See Higgins v. Vortex Fishing Sys., Inc.*, 379 F.3d 701, 708-09 (9th Cir. 2004) (holding that "§ 303(i)(1), which expressly grants discretionary authority to award fees at the *trial level*, should not be construed to grant similar authority to award fees at the appellate level"); *Avagyan v. Holder*, 646 F.3d 672, 677 (9th Cir. 2011) ("A three-judge panel cannot reconsider or overrule circuit precedent unless an intervening Supreme Court decision undermines an existing precedent of the Ninth Circuit, and both cases are closely on point.").

AFFIRMED.