

OCT 14 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WELLS FARGO BANK, NA,

Appellant,

v.

MARIPOSA ROAD SELF-STORAGE
ASSOCIATES LLC; et al.,

Debtors - Appellees,

MAX CHRIS MONSON and IRENE
MURRAY MONSON,

Appellees.

No. 12-17381

D.C. No. 4:11-cv-00641-FRZ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Frank R. Zapata, Senior District Judge, Presiding

Submitted October 8, 2014**
Phoenix, Arizona

Before: D.W. NELSON, SILVERMAN, and M. SMITH, Circuit Judges.

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

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

Wells Fargo Bank, NA, appeals the district court's order dismissing as moot its appeal of the bankruptcy court's order confirming the appellees' joint plan of reorganization. We review *de novo*, *Rosemere Neighborhood Ass'n v. U.S. Env'tl. Prot. Agency*, 581 F.3d 1169, 1172 (9th Cir. 2009), and we reverse and remand.

Wells Fargo suggests that relief is available, should its objections to confirmation be sustained, because the debtors could be directed to pay it additional money under the plan either as it currently reads, or through some modification. We agree that the possibility of resolution by money damages is sufficient to present a live controversy. See *In re Thorpe Insulation Co.*, 677 F.3d 869, 883 (9th Cir. 2012); *In re Spirtos*, 992 F.2d 1004, 1006 (9th Cir. 1993).

Accordingly, the order of the district court, dated September 27, 2012, is reversed, and this matter is remanded for further proceedings.

REVERSED and REMANDED.