

United States Court of Appeals  
Fifth Circuit

**UNITED STATES COURT OF APPEALS**

**FILED**

October 19, 2010

**FOR THE FIFTH CIRCUIT**

Lyle W. Cayce  
Clerk

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No. 09-40307  
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D.C. Docket No. 2:08-CV-259

In the Matter of: SCOPAC; SCOTIA DEVELOPMENT LLC; SALMON CREEK LLC; SCOTIA INN INC; BRITT LUMBER COMPANY, INC; THE PACIFIC LUMBER COMPANY; STEVE WILLS TRUCKING AND LOGGING LLC;

Debtors

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BANK OF NEW YORK TRUST COMPANY NA, as Indenture trustee for the Timber Notes ("Indenture Trustee"); CSG INVESTMENTS INC; ANGELO, GORDON & COMPANY L.P.; AURELIUS CAPITAL MANAGEMENT, L.P.; DAVIDSON KEMPNER CAPITAL MANAGEMENT LLC; SCOTIA REDWOOD FOUNDATION INC,

Appellants

versus

PACIFIC LUMBER COMPANY; SCOTIA PACIFIC LLC; MARATHON STRUCTURED FINANCE FUND LP; MENDOCINO REDWOOD COMPANY LLC; COMMITTEE OF UNSECURED CREDITORS; BANK OF AMERICA,

Appellees

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ANGELO, GORDON & CO LP; AURELIUS CAPITAL MANAGEMENT LP; DAVIDSON KEMPNER CAPITAL MANAGEMENT LLC

Appellants

versus

MARATHON STRUCTURED FINANCE FUND LP; MENDOCINO  
REDWOOD  
COMPANY LLC; COMMITTEE OF UNSECURED CREDITORS; BANK OF  
AMERICA;  
SOCTIAL PACIFIC LLC; PACIFIC LUMBER COMPANY

Appellees

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CSG INVESTMENTS, INC

Appellant

versus

SCOTIA PACIFIC LLC; PACIFIC LUMBER COMPANY

Appellees

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SCOTIA REDWOOD FOUNDATION, INC.

Appellant

versus

SCOTIA PACIFIC LLC; PACIFIC LUMBER COMPANY

Appellees

Appeal from the United States District Court for the  
Southern District of Texas, Corpus Christi

Before JONES, Chief Judge, PRADO, Circuit Judge, and OZERDEN\*, District  
Judge.

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\*District Judge of the Southern District of Mississippi, sitting by designation.

J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the judgment of the District Court is vacated, and the cause is remanded with instructions to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that appellees pay to appellants the costs on appeal to be taxed by the Clerk of this Court.

ISSUED AS MANDATE:

A True Copy  
Attest

Clerk, U.S. Court of Appeals, Fifth Circuit

By: \_\_\_\_\_  
Deputy

New Orleans, Louisiana