

Terry Harper
1450 Harbor Island Drive
San Diego, CA 92101

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JUN 03 2013

BY D. MARK JONES, CLERK
DEPUTY CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

R. WAYNE KELIN,
The Court- Appointed Receiver, .US
VENTURES, LC, WINSOME
INVESTMENT TRUST, and the assets of
Robert J. Andres and Robert Holloway,

CASE No. 2:12-cv-00023-DN

Plaintiff,

VERIFIED NOTICE OF
INTERLOCUTORY APPEAL

Interlocutory Appeals Act (28 U.S.C.A.
§ 1292)(a).

vs.

Terry Harper /Wings Over The World
[Ministries

Judge David Nuffer – remanded to
Magistrate Judge Dustin B. Pead

Respondent/Defendant

in propria persona

VERIFIED NOTICE OF INTERLOCUTORY APPEAL
(28 U.S.C.A. § 1292)(a).

Respondent/Defendant, Terry Harper hereby makes this VERIFIED NOTICE OF
INTERLOCUTORY APPEAL to this UNITED STATES DISTRICT COURT OF UTAH,
CASE No. 2:12-cv-00023-DN, to the TENTH CIRCUIT COURT OF APPEALS OF THE
UNITED STATES OF AMERICA per the Interlocutory Appeals Act (28 U.S.C.A. § 1292),

Provisional; interim; temporary; between the beginning and the end of a lawsuit or

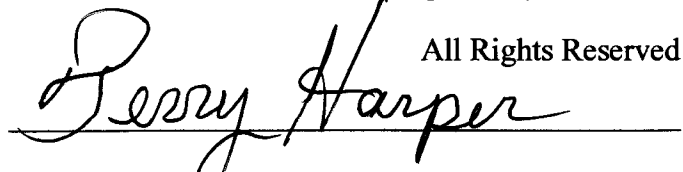
1 *proceeding to either decide a particular point or matter ... or prevent irreparable harm during*
2 *the pendency of the lawsuit.*

3
4 Such review is warranted where an immediate appeal from the ruling may materially
5 advance the immediate termination of the litigation and where dispositive issues of law and
6 “existing” decisions by the 10th Circuit were overlooked in the Judge’s decisions. These
7 circumstances all weigh heavily in favor of granting Respondent/Defendant Harper’s present
8 application.

9
10 Based on the foregoing, Appellant Harper respectfully request that the Honorable 10th
11 Circuit Court grant Harper’s application for full review by certifying to the District Court of
12 Utah, writing, that (i) its ruling involves a “controlling” question of substantive law and policy
13 as to which there exists significant existing case law in the 10th Circuit Court and presents
14 substantial ground for review. Notwithstanding the Supreme Court and the 1st, 2nd, 3rd, 5th, 6th,
15 7th, 9th, 10th, and 11th Circuits and Congress (H.R. Rep. No. 595, 95th Cong.), have previously
16 ruled upon, and thereby merit an immediate appeal from the ruling of May 15, 2013 by Judge
17 Nuffer, in error, on a Motion filed by Respondent/Defendant Harper May 14, 2013; raising
18 “prima fascia” questions of standing by a Receiver/Trustee that will “materially advance” the
19 ultimate termination of the litigation and/or subsequent review of its ruling will be an adequate
20 clearly defined remedy.
21
22

23 Respectfully Submitted

24 All Rights Reserved

25 

26 Terry Harper, Appellant *[in propria person]*