

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

Nos. 04-16476, 04-16477 & 04-16478
Non-Argument Calendar

FILED
U.S. COURT OF
APPEALS
ELEVENTH CIRCUIT
JULY 28, 2005
THOMAS K. KAHN
CLERK

D. C. Docket Nos. 04-80230-CV-KLR, 04-80633-CV-KLR,
03-80960-CV-KLR & 00-35179-BKC-PG

IN RE:

EMPIRE OF CAROLINA, INC. AND
EMPIRE INDUSTRIES, INC.,

Debtors.

ALPHA INTERNATIONAL, INC.,

Plaintiff-Appellee,

versus

TOYS "R" US, INC.,
MOOSE MOUNTAIN TOYMAKERS, LIMITED,
MOOSE MOUNTAIN MARKETING, INC.,

Defendants-Appellants.

Appeals from the United States District Court
for the Southern District of Florida

(July 28, 2005)

Before BLACK, PRYOR and COX, Circuit Judges.

PER CURIAM:

Toys “R” Us, Inc., Moose Mountain Toymakers, Ltd., and Moose Mountain Marketing, Inc. (“Moose Mountain”) appeal the order of the district court affirming the judgment of the bankruptcy court in three related appeals (that we have consolidated) on the ground that the bankruptcy court erred in dismissing their counterclaim and cross-claim for lack of standing to challenge the terms of the Asset Purchase Agreement. Because we agree with the district court that Moose Mountain lacked standing to challenge the terms of the Asset Purchase Agreement in the adversary proceeding before the bankruptcy court, *see In Re Westwood Cmty. Two Ass’n*, 293 F.3d 1332, 1334-35 (11th Cir. 2002), the order affirming the judgment of the bankruptcy court is,

AFFIRMED.