

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-9122

IN THE MATTER OF: CHARLES
SIMPSON CHRISTOPHER,

Debtor,

SHELDON WHITEHOUSE, RECEIVER
OF AMERICAN UNIVERSAL INSURANCE
COMPANY,

Appellant,

versus

CHARLES S. CHRISTOPHER,

Appellee.

Appeal from the United States District Court
for the Northern District of Texas
(5:93 CV 155 C)

(August 5, 1994)

Before WIENER, EMILIO M. GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:*

In this appeal from the district court's affirmance of the bankruptcy court's judgment adverse to Appellant, the receiver of American Universal Insurance Company, the Appellant asserts legal

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

error in the rejection of its claim that Appellee Charles S. Christopher should be equitably estopped from asserting discharge under his Chapter 11 plan of reorganization; and in the determination that Appellant's challenge to discharge is barred by res judicata. Having reviewed the appellate briefs of counsel, heard counsels' oral arguments, and reviewed the record on appeal, we conclude that the rulings of the courts below were correct and should be affirmed. We recognize that here, as in innumerable other cases barred by res judicata, the barred party may well have many equities on its side. Nevertheless, American Universal cannot here overcome the adverse affects of its actions and inactions surrounding its approval of a plan of reorganization, albeit through error and mistake, thus allowing that plan to become a final and unappealable. The overriding principle of Republic Supply v. Shoaf, 815 F2d. 1046 (5th Cir. 1987) clearly controls.

Consequently, the orders appealed from in this case are, in all respects,

AFFIRMED.