

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

IN RE:)	
)	
COLONIAL BANCGROUP, INC.,)	BANKRUPTCY CASE NO.
)	09-32303-DHW
Debtor.)	
)	
COLONIAL BANCGROUP, INC.,)	DISTRICT COURT MISC. NO.
)	2:11mc3580-MHT
Plaintiff,)	(Bankr. Adv. Proc.
)	No. 11-03026)
v.)	(WO)
)	
BRANCH BANKING AND TRUST)	
COMPANY,)	
)	
Defendant.)	

ORDER

This matter is before the court on a motion, filed by defendant Branch Banking and Trust Company ("BB&T"), to withdraw the bankruptcy reference and transfer adversary proceeding number 11-03026 to the district court. Based on the representations that the parties made during a telephone conference on September 28, 2011, and for the reasons stated below, it is ORDERED that defendant Branch Banking and Trust Company's motion for withdrawal of the reference (doc. no. 1) is granted.

The clerks of the bankruptcy court and this court are DIRECTED to take all steps necessary to transfer to the United States District Court for the Middle District of Alabama the adversary proceeding initiated by Colonial BancGroup on April 8, 2011 (bankruptcy case no. 09-32303 (Chapter 11) and bankruptcy adversary proceeding no. 11-03026, M.D. Ala). The clerk of this court shall set up the transferred case as a separate civil case, with a separate and new civil action number.

* * *

A "district court may withdraw ... any case or proceeding ... on timely motion of any party, for cause shown." 28 U.S.C. § 157(d). Determining whether cause exists involves analyzing a number of factors, including whether withdrawal will prevent forum shopping, conserve the parties' resources, and facilitate the bankruptcy process. See In re Simmons, 200 F.3d 738, 741-42 (11th Cir. 2000).

During a telephone conference held subsequent to BB&T's filing of the motion, Colonial BancGroup consented to withdrawal of the reference. Colonial BancGroup explained that it would be more efficient to withdraw the reference because nearly identical issues to those raised in the adversary proceeding are currently pending before this court in a civil action between Colonial BancGroup and the Federal Deposit Insurance Corporation. Withdrawal of the reference would therefore make the parallel, overlapping litigation taking place in the bankruptcy court unnecessary, thereby conserving the parties' resources and streamlining the resolution of this dispute.

Based on the potential conservation of resources and with the parties consent, this court has therefore, pursuant to 28 U.S.C. § 157(d), withdrawn the reference of the adversary proceeding from the bankruptcy court to this court for all purposes. All other matters in

bankruptcy case no. 09-32303-DHW (M.D. Ala.) shall remain
under the jurisdiction of the bankruptcy court.

DONE, this 29th day of September, 2011.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE