

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

BARBARA V. EVANS f/k/a
BARBARA V. WILLIAMS

PLAINTIFF

VS.

CASE NO.: 1:12-mc-00003

J.P. MORGAN CHASE BANK, N.A.,
EMC MORTGAGE CORPORATION,
BANK OF AMERICA, N.A. as SUCCESSOR
BY MERGER TO LASALLE BANK, N.A. AS
TRUSTEE FOR CERTIFICATE HOLDERS OF
EMC MORTGAGE LOAN TRUST 2005-B,
MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2005-B, and DEUTSCHE BANK NATIONAL
TRUST COMPANY AS CUSTODIAN OR TRUSTEE f/k/a
BANKERS TRUST COMPANY OF CALIFORNIA, N.A. FOR
UCFC LOAN TRUST 1998-A, BANKERS TRUST AS TRUSTEE
UCFC LOAN TRUST 1998-A

DEFENDANTS

ORDER

Before the Court is a Motion to Withdraw Reference (ECF No. 1) filed on behalf of Defendants J.P. Morgan Bank, N.A. and EMC Mortgage Corporation. Also before the Court is a Joint Motion for Order Granting Withdrawal of Reference and For Order Extending and Setting Filing Deadlines (ECF No. 15) filed jointly on behalf of all parties. The Court finds this matter ripe for consideration.

The parties request that this Court withdraw the reference to the bankruptcy court pursuant to 18 U.S.C. § 157(d) because Plaintiff's claims do not involve the application bankruptcy law and primarily implicate state statutes and common law. Specifically, Plaintiff requests damages for violation of bankruptcy court orders; violation of the Fair Credit Reporting Act, 15 U.S.C. §1681q; violation of the Arkansas Deceptive Trade Practices Act, § 4-88-107; violation of Arkansas Code

Annotated § 18-40-104; breach of contract; slander of title; defamation; conversion; negligence; and breach of the implied warranty of good faith and fair dealing. The parties also request an extension of time for Plaintiff to file a response to Defendants' Motion to Dismiss (ECF No. 12) and an extension of time for Defendants to file a reply.

Pursuant 18 U.S.C. § 157(d), this Court finds that good cause for withdrawing reference to the bankruptcy court has been shown. Accordingly, the Motion to Withdraw Reference (ECF No. 1) and the Joint Motion for Order Granting Withdrawal of Reference (ECF No. 15) are **GRANTED**. Upon consideration, the Court finds that the parties' Motion for Order Extending and Setting Filing Deadlines (ECF No. 15) should be and hereby is **GRANTED**. Plaintiff's response to Defendants' Motion to Dismiss (ECF No. 12) is due on or before **April 23, 2012**. Any reply by Defendants is due on or before **May 11, 2012**.

IT IS SO ORDERED, this 18th day of April, 2012.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge