1 2 3 4 5 UNITED STATES DISTRICT COURT 6 7 EASTERN DISTRICT OF CALIFORNIA 8 1:10-CV-02014 AWI 9 MARK DELL DONNE, individually, as a participant in THE JOURNEY 10 **ELECTRICAL TECHNOLOGIES, INC.** ORDER VACATING HEARING 401K PLAN, and as trustee of THE DATE OF DECEMBER 20, 2010 11 JOURNEY ÉLECTRICAL AND TAKING MATTER UNDER **TECHNOLOGIES, INC. 401K PLAN; SUBMISSION** 12 THE JOURNEY ELECTRICAL **TECHNOLOGIES, INC. 401K PLAN;** 13 and THE JOURNEY ELECTRICAL TECHNOLOGIES, INC., a California 14 corporation, 15 Plaintiffs, 16 v. 17 HERBERT W. HARDT, an individual; L. DAVID BRANDON, an individual; LISA 18 PLANK, an individual; and DOES 1-200, Defendants. 19 20 21 Defendants Herbert and Michelle Hardt filed for chapter 7 bankruptcy on January 7, 22 23 2010. Plaintiffs filed adversary proceeding against them on April 22, 2010. Plaintiffs now seek 24 to have the adversary proceeding withdrawn from the bankruptcy court to the district court and to 25 have the adversary proceeding transferred to the Central District of California. Doc. 1. 26 Defendants have filed an opposition in which they agree to the withdrawal of reference but oppose the motion to transfer. Doc. 4. No reply has been received. The court has reviewed the 27 papers filed and has determined that the motion is suitable for decision without further oral 28 1

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argument. See Local Rule 230(g). Therefore, IT IS HEREBY ORDERED that the previously set hearing date of December 20, 2010, is VACATED, and no party shall appear at that time. As of that date, the court will take the matter under submission and will thereafter issue its decision. IT IS SO ORDERED. Dated: December 14, 2010 CHIEF UNITED STATES DISTRICT JUDGE