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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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11 Gregory House, et al,

No. 2:09-cv-02796-TLN-DAD

12 Plaintiffs,

13 v.

ORDER TO SHOW CAUSE

14 Paul Moller et al,

15 Defendants.

16

17 This Court held a Final Pretrial Conference on April 10, 2014. Plaintiffs Gregory and
18 Jennifer House's ("Plaintiffs") counsel Robert Black was present. Defendants Paul and Rosa
19 Moller's ("Moller Defendants") counsel Peter E. Glick was present, as well as Defendants
20 Edward and Dana Foss's ("Foss Defendants") counsel Daniel Raff. During the hearing, Moller
21 Defendants raised arguments as to this Court's jurisdiction.

22 This case was originally filed in Solano County Superior Court. However, due to Moller
23 Defendants' subsequent bankruptcy proceeding in federal court, the Superior Court stayed the
24 case one week before trial was to start.¹ Foss Defendants filed a motion to withdraw the subject
25 property from Moller Defendant's bankruptcy proceeding.² (ECF No. 1.) Pursuant to Foss

26 ¹ See 28 U.S.C. § 1334 (Federal Courts have exclusive jurisdiction over Chapter 11 bankruptcy proceedings);
27 see also *Gonzales v. Parks*, 830 F.2d 1033, 1035–36 (9th Cir. 1987) ("Congress' grant to the federal courts of
exclusive jurisdiction over bankruptcy petitions precludes collateral attacks on such petitions in state courts.")

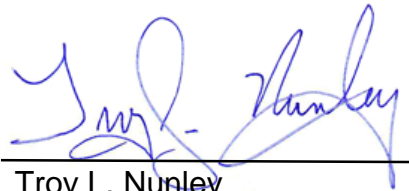
28 ² Pursuant to 28 U.S.C. § 157(d), a "district court shall, on timely motion of a party, so withdraw a proceeding
if the court determines that resolution of the proceeding requires consideration of both title 11 and other laws of the

1 Defendants' motion, this matter came before the district court. (Order, ECF No. 2.)

2 Since the withdrawal, a final decree was issued on Moller Defendants' bankruptcy in
3 March, 2013. *See In re: Paul Sandner Moller & Rosa Maria Moler*, No. 09-29936 (ECF No.
4 558). Although, this does not divest this Court of jurisdiction to hear this case, it requires the
5 Court to consider judicial economy, convenience, fairness, and comity in determining whether it
6 should exercise its jurisdiction over the state claims presented. *Carraher v. Morgan Elecs., Inc.*
7 (*In re Carraher*), 971 F.2d 327, 328 (9th Cir. 1992). Due to the nature of this action which is
8 entirely based on state law and the fact that many of the litigation materials are still with the
9 presiding judge at the Solano Superior Court, this Court is considering remanding this case. As
10 such, the Court hereby orders the parties to submit briefing consisting of no more than ten pages
11 to the Court within seven (7) days of the filing of this order addressing whether remand is
12 appropriate.

13 IT IS SO ORDERED.

14 Dated: April 11, 2014



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16 Troy L. Nunley
17 United States District Judge
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