

1 JAMES A. TIEMSTRA (Bar No. 96203)
2 LISA LENHERR (Bar No. 258091)
3 LAW OFFICES OF JAMES A. TIEMSTRA
Tribune Tower
4 409 Thirteenth Street, 15th Floor
Oakland, CA 94612-2605
5 Telephone: (510) 987-8000
Facsimile: (510) 987-8001
E-mail: jat@tiemlaw.com

6 Attorneys for Defendant
7 ABBETT ELECTRIC CORPORATION

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 OAKLAND DIVISION

11 GREGORY W. ABBETT,

12 Plaintiff,

No.: CV 10-2076 SBA

13 v.
14 ABBETT ELECTRIC CORPORATION
15 Defendant.

San Francisco Superior Court Case No.: CGC-
10-498763

[PROPOSED]
ORDER GRANTING MOTION TO
TRANSFER VENUE TO UNITED STATES
DISTRICT COURT OF THE EASTERN
DISTRICT OF CALIFORNIA FOR
REFERENCE TO UNITED STATES
BANKRUPTCY COURT OF THE EASTERN
DISTRICT OF CALIFORNIA,
SACRAMENTO DIVISION

16
17
18 DATE: July 27, 2010
19 TIME: 1:00 p.m.
COURTROOM: 1

20 This cause came on regularly for hearing on defendant's Motion to Transfer
21 Venue to United States District Court of the Eastern District of California for Reference to
22 United States Bankruptcy Court for the Eastern District of California, Sacramento Division,
23 before the Honorable Saundra B. Armstrong, United States District Court Judge, in Courtroom
24 No. 1 of the United States District Court, 1301 Clay Street, 4th Floor, Oakland, California,
25 94612, on July 27, 2010, at 1:00 p.m. Appearances were duly noted on the record.

1 The Court having reviewed the papers on file herein, having heard the arguments
2 and representations of counsel for the parties hereto; having stated the findings of fact and
3 conclusions of law orally on the record, as permitted by Federal Rules of Civil Procedure Rule
4 52; being fully advised thereby and good cause appearing therefor,

5 The Court finds the transfer will serve the interests of justice, judicial efficiency,
6 will promote the economic and efficient administration of the bankruptcy estate, and is
7 convenient for the parties, as required by 28 U.S.C. § 1412. *See also In re Continental Airlines,*
8 *Inc. (Continental Airlines, Inc. v. Chrysler)*, 133 B.R. 585, 587-588 (Bankr. D. Del. 1991); *see*
9 *also In re TIG Ins. Co. v. Smolker (In re Tig Ins. Co.)*, 264 B.R. 661, 668 (Bankr. C. D. Cal.
10 2001); *see also In re Manville Forest Prods. Corp. (Gulf States Exploration Co.)*, 896 F.2d 1384,
11 1391 (2nd Cir. 1990). The above-captioned removed action involves core proceedings subject to
12 Bankruptcy Court jurisdiction, (*see e.g.* 28 U.S.C. §§ 157(a), 157(b)(1), 157(b)(2), 1334, and
13 1452), is paramount to Debtor's reorganization prospects and is inextricably entangled with the
14 Defendant's claims against the bankruptcy estate; accordingly, it is in the interest of justice that
15 the matters be resolved globally in the context of Debtor's reorganization. In addition, the
16 Bankruptcy Court has the experience and expertise necessary to value and liquidate business
17 interests by the very nature of its role and function;

18 NOW, THEREFOR, IT IS HEREBY ORDERED that the above-captioned
19 removed action be, and the same is hereby, transferred to the United States District Court for the
20 Eastern District of California, pursuant to 28 U.S.C. § 1412, for referral to the United States
21 Bankruptcy Court for the Eastern District of California, Sacramento Division, which is currently
22 presiding over the above-captioned Plaintiff's Chapter 11 bankruptcy case.

23 Dated:

24 SAUNDRA B. ARMSTRONG
25 UNITED STATES DISTRICT JUDGE