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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

IN RE:  
GARY GORSKI,  
Debtor,  
COUNTY OF SACRAMENTO,  
Plaintiff,  
v.  
GARY GORSKI; ROBERT HUNTER;  
HOWARD ELEY; DOUGLAS WHATLEY,  
trustee in bankruptcy for  
GARY GORSKI; UNITED STATES OF  
AMERICA through the Internal  
Revenue Service; COUNTY OF  
YOLO; DANIEL KARALASH; STATE  
OF CALIFORNIA, FRANCISE TAX  
BOARD,  
Defendants.

No. 2:15-CV-271-GEB-AC  
Bank. Action No. 2013-33139  
Adversary Proc. No. 2014-02016

**ORDER GRANTING IN PART AND  
DENYING IN PARTY DEFENDANT'S  
MOTION TO WITHDRAW THE REFERENCE**

The County of Sacramento moves under 28 U.S.C. § 157(d) for permissive withdrawal from the bankruptcy court of the above referenced adversary proceeding. (Mot. Withdraw Ref. Bankr. Ct. Adversary Proceedings, ("Mot.") 3:14-16, ECF No. 1.)

1 Sacramento County argues its motion should be granted  
2 because of the relationship between assets involved in attorney  
3 Gorski's above referenced bankruptcy proceeding and a prior  
4 attorney's fee award under 42 U.S.C. § 1988 granted to two  
5 plaintiffs in the above referenced district court civil action,  
6 captioned as Hunter v. Cnty. of Sacramento, No. 2:06-cv-457-GEB  
7 (E.D. Cal. 2013) (hereinafter the "Hunter"). Sacramento County  
8 asserts that Gorski, along with co-counsel, represented the  
9 plaintiffs in Hunter. The Hunter plaintiffs were awarded  
10 \$197,505.00 in attorney's fees, which Gorski claimed as property  
11 of his estate in the bankruptcy proceedings.

12 Sacramento County states:

13 At a recent [bankruptcy] pre-trial  
14 conference, the parties debated the effect of  
15 the [Hunter] judgment and the section 1988  
16 case law on which parties are entitled to the  
17 [attorney's fee] award. One of the issues  
18 raised was that the fee award did not  
19 allocate the award between the successful  
20 plaintiffs . . . [The bankruptcy judge]  
21 opined that [the district judge who ruled on  
22 the attorney's fee motion] would be better  
23 suited to address the allocation issue and  
24 suggested that the parties move to withdraw  
25 the referral as it relates to the adversary  
26 proceeding, so that the District Court, and  
27 ideally [that judge who ruled on the  
28 attorney's fee motion], could address the  
allocation.

22 (Mot. 2:12-20.)

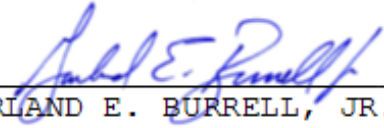
23 Sacramento County argues "[a]s, per [the bankruptcy  
24 court's] observations, [that] the interpretation of [the district  
25 court's attorney's fee] order would be better done by [the judge  
26 who issued the order], it appears. . . judicial economy . . . and  
27 . . . economical use of the parties' resources . . . favor  
28 [permissive] withdrawal." (Mot. 3:8-12.)

1           “The district court may withdraw . . . any case or  
2 proceeding referred [to the bankruptcy court] on its motion or on  
3 timely motion of a party, for cause shown.” Sec. Farms v. Int’l  
4 Broth. Of Teamsters, Chauffers, Warehousemen & Helpers, 124 F.3d  
5 999, 1008 (9th Cir. 1997) (alterations in original) (quoting 28  
6 U.S.C. § 157(d)). Good cause includes “the efficient use of  
7 judicial resources, delay and costs to the parties, uniformity of  
8 bankruptcy administration, the prevention of forum shopping, and  
9 other related factors.” Id. (citing In re Orion Pictures Corp., 4  
10 F.3d 1095, 1101 (2d Cir. 1993).

11           Cause has been shown to withdraw the reference only for  
12 the limited purpose of deciding how the attorney’s fees awarded  
13 in Hunter should be allocated amongst the plaintiffs. The Hunter  
14 jury awarded each plaintiff nominal damages, but found that  
15 Sacramento County had “a longstanding ‘practice or custom’” of  
16 using excessive force against inmates that were incarcerated in  
17 Sacramento Mail Jail. (Jury Instruction No. 9, p. 10, ECF No.  
18 183.) In light of this finding, each plaintiff is awarded  
19 \$98,752.50, half of the \$197,505.00 award, since the record does  
20 not evince that a different division is appropriate.

21           Since the reference concerning other issues has not  
22 been withdrawn, this civil action shall be closed.

23 Dated: March 12, 2015

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27 GARIAND E. BURRELL, JR.  
28 Senior United States District Judge