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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNIVERSAL EQUIPMENT LEASING  
COMPANY, LLC,

No. C 06-07584 JSW

Plaintiff,

v.

FIFTH THIRD LEASING CO.,

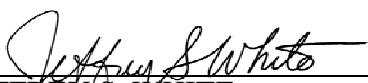
**ORDER DENYING MOTION FOR  
LEAVE TO FILE A MOTION TO  
TRANSFER**

Defendant.

Now before the Court is the motion for leave to file a motion to transfer by Fifth Third Leasing Company (“FTLC”). The Court finds that this matter is appropriate for disposition without oral argument and it is hereby deemed submitted. *See* N.D. Civ. L.R. 7-1(b). Accordingly, the hearing set for April 10, 2009 is HEREBY VACATED. FTLC’s third-party complaint against Cincom Systems, Inc. is stayed pursuant to 11 U.S.C. § 362. The bankruptcy court has the exclusive authority to grant relief from the automatic stay. *See In re McGhan*, 288 F.3d 1172, 1181 n.10 (9th Cir. 2002). Any actions or judicial proceedings taken in violation of the automatic stay are void. *Id.* at 1179. FTLC has not demonstrated that the Court has the authority to adjudicate a motion to transfer while this case is stayed pursuant to 11 U.S.C. § 362. Therefore, the Court DENIES FTLC’s motion for leave to file a motion to transfer.

**IT IS SO ORDERED.**

Dated: April 8, 2009

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE