

1
2 UNITED STATES DISTRICT COURT
3 Northern District of California
4

5 PRESLEY PROPERTIES, LLC, et al.,

No. C 10-1512 MEJ

6 Plaintiffs,

7 v.

**ORDER TRANSFERRING ACTION
TO BANKRUPTCY COURT**

8 MDK MOTOR SPORTS, LLC, et al.,

9 Defendants.
_____ /

10 The Court is in receipt of the Declaration of Peter Isola Regarding Pending Motion to
11 Transfer Venue. (Dkt. #19.) In his motion, Mr. Isola directs the Court's attention to a similar case
12 in this district, which the Honorable Richard Seeborg transferred to the bankruptcy court. *See*
13 *Gilbert v. MDK Motor Sports, LLC*, C-10-1511 RS, *Order Transferring Action to Bankruptcy Court*,
14 Dkt. #34. In that case, Judge Seeborg found that the notice of removal was initially drafted with the
15 understanding that it would be filed in the bankruptcy court, although that paragraph (¶6) had been
16 crossed out by hand. Here, too, the notice of removal was drafted with the understanding that it
17 would be filed in the bankruptcy court, and that paragraph (also ¶6) has been crossed out by hand.
18 As in the *Gilbert* matter, it appears that this case should have been removed to the bankruptcy court.
19 *See In re Eyecare of So. California*, 258 B.R. 765, 768 (2001); General Order 24. Accordingly,
20 good cause appearing, this action is hereby transferred to the bankruptcy court for the Northern
21 District of California pursuant to the referral of bankruptcy matters found in General Order 24. This
22 order is without prejudice to Richard Samson's pending motion to transfer venue, which may be
23 re-noticed for hearing in the bankruptcy court.

24 **IT IS SO ORDERED.**

25
26 Dated: July 26, 2010

27 
28 _____
Maria-Elena James
Chief United States Magistrate Judge