

United States District Court
For the Northern District of California

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

In re
SYNERGY ACCEPTANCE CORPORATION,
Debtor.

E. LYNN SCHOENMANN, Trustee of the
Bankruptcy Estate of Synergy Acceptance
Corporation,
Plaintiff,
v.
JAMES A. TORCHIA, et al.,
Defendants.
_____ /

No. C-13-0306 MMC
[Case No. 11-31712 TEC
Adv. Proc. No. 12-3156 TEC]

**ORDER ADOPTING
RECOMMENDATION OF BANKRUPTCY
JUDGE; DENYING WITHOUT
PREJUDICE DEFENDANTS' MOTION TO
WITHDRAW REFERENCE, TO ABSTAIN,
OR TO TRANSFER VENUE**

Before the Court is defendants "Motion to Withdraw the Reference, to Abstain, or to Transfer Venue," filed January 4, 2013 in the United States Bankruptcy Court, and transferred to district court pursuant to Rule 5011-2 of the Bankruptcy Local Rules of this District. Plaintiff has filed opposition, to which defendants have replied. Also before the Court is Bankruptcy Judge Thomas E. Carlson's Recommendation Re Motion for Withdrawal of Reference, filed January 23, 2013 in the Bankruptcy Court and forwarded to district court pursuant to Rule 5011-2, in which Judge Carlson recommends withdrawal of

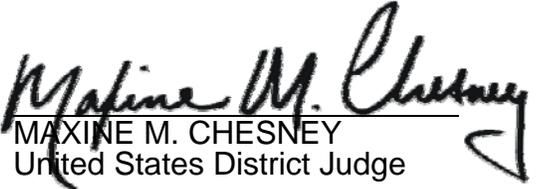
1 the reference be deferred until after all pretrial proceedings are completed.

2 Having read and considered the papers filed in support of and in opposition to the
3 motion, as well as the Recommendation, the Court hereby ADOPTS, for the reasons stated
4 therein, the Recommendation in its entirety.

5 Accordingly, the motion to withdraw the reference is hereby DENIED without
6 prejudice to defendants' renewing the motion after all pretrial proceedings are completed.¹

7 **IT IS SO ORDERED.**

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9 Dated: February 19, 2013

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11 MAXINE M. CHESNEY
12 United States District Judge

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28 ¹In light of the above ruling, defendants' requests for abstention and/or for transfer are hereby DENIED without prejudice to renewal before the Bankruptcy Court.