

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In re
PACIFIC THOMAS CORPORATION,
dba PACIFIC THOMAS CAPITAL, dba
SAFE STORAGE,
Debtor.

Case No. [14-cv-03465-MMC](#)


**ORDER VACATING JUDGMENT OF
BANKRUPTCY COURT; REMANDING
FOR FURTHER PROCEEDINGS**

KYLE EVERETT, Chapter 11 Trustee,
Plaintiff and Appellee,
v.
RANDALL WHITNEY, et al.,
Defendants and Appellants

The Court is in receipt of the Ninth Circuit's Mandate, filed April 18, 2018, in the above-captioned case. Accordingly, as directed by the Ninth Circuit, see Mem. Dispo., No. 16-16047, at 3 (9th Cir. March 27, 2018), the bankruptcy court's judgment, entered November 4, 2014, in favor of Kyle Everett, the Chapter 11 trustee for the estate of the debtor, Pacific Thomas Corporation, is hereby VACATED, and the action is hereby REMANDED to the bankruptcy court to determine whether the parties' lease agreements are void under principles of California contract law.

IT IS SO ORDERED.

Dated: April 20, 2018


MAXINE M. CHESNEY
United States District Judge