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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: WILLIAM JAMES DEL BIAGGIO, III,
Debtor.

ROBERT J. THOMAS,
Plaintiff,

v.

WILLIAM JAMES DEL BIAGGIO, III,
THOMVEST HOLDINGS, et al.
Defendants.

No. C 11-5180 PJH
BK Adv. Case No. 11-3191 TEC

**ORDER SETTING BRIEFING
SCHEDULE; VACATING HEARING
DATE; FOR RECOMMENDATION
RE: DEFENDANT'S MOTION TO
WITHDRAW**

On October 7, 2011, defendant Thomvest Holdings filed with the bankruptcy court a motion to withdraw the reference to the bankruptcy court, pursuant to 28 U.S.C. § 157 and Federal Rule of Bankruptcy Procedure ("FRBP") 5011. Thereafter, the bankruptcy court transmitted the motion to this court pursuant to Rule 5011.

On October 25, 2011, the clerk of this court appropriately ordered the parties to re-notice the motion to withdraw pursuant to Civil L.R. 7-2(a). On November 11, 2011, the parties submitted a stipulation re-noticing the motion, setting a briefing schedule, and setting a hearing date. The court GRANTS the parties' requested briefing schedule but

1 VACATES the hearing date. Unless otherwise notified, the matter will be decided on the
2 papers.

3 Additionally, this court refers the matter to the assigned Bankruptcy Judge for a
4 recommendation pursuant to Bankruptcy L.R. 5011-2(b) regarding whether the reference
5 should be withdrawn under 28 U.S.C. § 157(d). Once the bankruptcy court has submitted
6 to this court its recommendation regarding whether withdrawal of reference should occur
7 and the matter is fully briefed, this court will issue a final order on the motion pursuant to
8 FBRP 5011.

9 **IT IS SO ORDERED.**

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11 Dated: November 14, 2011



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PHYLLIS J. HAMILTON
United States District Judge

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15 cc: Honorable Thomas E. Carlson, United States Bankruptcy Judge
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