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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | |
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| IN RE: | CASE NO. 5:11-cv-06302 EJD |
| CEDAR FUNDING INC., | (Appeal from Neilson v. Aguirre (In re Cedar Funding, Inc.), Bankr. N.D. Cal. (San Jose) |
| Debtor. | Case No. 08-52709 CN, Adv. No. 09-05260 CN) |
| _____ / | |
| WILLIAM M. DWYER, et. al., | Adv. Proc. No. 09-05260 CN |
| Appellant(s), | ORDER DIRECTING CLERK TO REASSIGN ACTION TO JUDGE RONALD M. WHYTE |
| v. | |
| R. TODD NEILSON, Chapter 11 Trustee, | |
| Respodnent(s). | |
| _____ / | |

Having determined this action was incorrectly assigned under the terms of General Order 44, the court orders the Clerk to reassign this action to Judge Ronald M. Whyte as matters arising from the same underlying bankruptcy case are already pending before Judge Whyte.¹

IT IS SO ORDERED.

Dated: January 6, 2012



 EDWARD J. DAVILA
 United States District Judge

¹ Section (D)(9) of General Order 44 states: “Notwithstanding any other provision of the assignment plan, the clerk shall assign a bankruptcy matter to the same judge who as assigned any previously filed bankruptcy matter arising from the same case in the United States Bankruptcy Court.”