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

IN RE:  CEDAR FUNDING INC.,  Debtor.  _____/	CASE NO. 5:12-cv-00643 EJD  (Appeal from Neilson v. Aguirre (In re Cedar Funding, Inc.), Bankr. N.D. Cal. (San Jose) Case No. 08-52709 CN, Adv. No. 08-05299 CN)
MONTEREY COUNTY BANK, et. al.,  Appellant(s),  v.  R. TODD NEILSON, Chapter 11 Trustee,  Respodnent(s).  _____/	Adv. Proc. No. 08-05299 CN  <b>ORDER DIRECTING CLERK TO          REASSIGN ACTION TO JUDGE          RONALD M. WHYTE</b>

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.<sup>1</sup>

**IT IS SO ORDERED.**

Dated: February 23, 2012

  
 \_\_\_\_\_  
 EDWARD J. DAVILA  
 United States District Judge

<sup>1</sup> 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.”