

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
SAN JOSE DIVISION

IN RE: CASE NO. 5:12-cv-02640 EJD
CEDAR FUNDING INC., (Appeal from In re Cedar Funding, Inc., Bankr.
Debtor. N.D. Cal. (San Jose) Case No. 08-52709 CN)

PAUL J. FRANKLIN, et. al.,
Appellant(s),
v.


RUSSELL K. BURBANK,
Respodnent(s).

**ORDER DIRECTING CLERK TO
REASSIGN ACTION TO JUDGE
RONALD M. WHYTE**

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: May 24, 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 was assigned any previously filed bankruptcy matter arising from the same case in the United States Bankruptcy Court."