

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **09-cv-690-AP**

In re: ADAM AIRCRAFT INDUSTRIES, INC.,

Debtor.

JEFFREY A. WEINMAN, as Chapter 7 Trustee,

Plaintiff,

v.

M&M AEROSPACE HARDWARE, INC., a/k/a B/E Aerospace Company,

Defendant.

ORDER

Kane, J.

This matter is before the court on Defendant M&M Aerospace Hardware, Inc.'s, Motion for Withdrawal of Reference. The motion is DENIED. No cause exists to withdraw the reference under 28 U.S.C. § 157(d). The Defendant filed its motion to withdraw the reference weeks after the Trustee filed a motion to strike the jury demand and it waited more than 30 days after filing its jury demand to seek the withdrawal.

While I do not hold that in all cases, a strict application of *Stainer v. Latimer (In re Latimer)*, 918 F.2d 136 (10th Circ. 1990) requires that the demand for jury trial must be filed *simultaneously* with a request to transfer to the district court, the holding is clear that the two must be filed in combination. Here, there is no such combination. Providing for transfer is such a stuttered fashion in the absence of compelling discrete reasons for delay is not in the

interests of an efficient and just administration of the Bankruptcy Court's business.

Dated: April 13, 2009

BY THE COURT:

S/John L. Kane

John L. Kane, Senior Judge
United States District Court