

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 14-cv-03164-REB  
(Bankruptcy Case No. 13-13290-SBB (Chapter 11))  
(Adversary Proceeding No. 14-01236-SBB)

In re:

FORESIGHT APPLICATIONS & SYSTEMS TECHNOLOGIES, LLC,

Debtor.

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FORESIGHT APPLICATIONS & SYSTEMS TECHNOLOGIES, LLC,

Plaintiff,

v.

GENESEEE CAPITAL CORPORATION,

Defendant.

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**ORDER**

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**Blackburn, J.**

This matter is before me on the **Motion for Withdrawal of Reference** [#2]<sup>1</sup> filed November 21, 2014. The plaintiff / debtor filed a response [#4] and does not oppose the motion.

The parties agree that the reference of this adversary proceeding to the United States Bankruptcy Court for the District of Colorado should be withdrawn. Under 28 U.S.C. § 157(d), a district court may withdraw its reference of a case to the bankruptcy

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<sup>1</sup> “[#2]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

court for cause shown. This adversary proceeding concerns claims asserted by the debtor against the defendant seeking to recover an allegedly preferential payment made to the defendant on behalf of the debtor. The defendant demands a jury trial on all claims asserted against it. The bankruptcy court may conduct a jury trial only when certain specific prerequisites have been satisfied. 28 U.S.C. § 157(e). All parties concur that those prerequisites are not satisfied in this case.

In withdrawing the reference to the bankruptcy court of this adversary proceeding, I am not precluded from referring pretrial matters to the bankruptcy court. *In re M & L Business Machine Co.*, 159 B.R. 932, 935 (D. Colo. 1993). I find and conclude that the bankruptcy court is in the best position to efficiently manage discovery and pretrial matters in this case.

**THEREFORE IT IS ORDERED** as follows:

1. That the **Motion for Withdrawal of Reference** [#2] filed November 21, 2014, is granted;
2. That under 28 U.S.C. § 157(d), the automatic referral of the above-captioned adversary proceeding to the United States Bankruptcy Court for the District of Colorado, entered under D.C.COLO.LCivR 84.1(d), is withdrawn;
3. That under 28 U.S.C. § 157, this matter is referred again to the bankruptcy court for consideration and resolution of all pretrial issues, including, *inter alia*, scheduling, discovery, non-dispositive motions, dispositive motions, and entry of a final pretrial order;
4. That on **September 4, 2015**, at **9:30 a.m.** (MDT), the parties shall contact Ms. Nel Steffens, the court's judicial assistant, by telephone at 303-335-2350 to set this matter for trial preparation conference and jury trial; provided, that counsel for the

plaintiff / debtor shall arrange, initiate, and coordinate the conference call necessary to facilitate the telephone setting conference; and

5. That trial on the merits shall proceed in the United States District Court for the District of Colorado under Civil Action No. 14-cv-03164-REB.

Dated August 14, 2015, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge