

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**FIRST COMMUNITY BANK OF  
AMERICA,**

**Plaintiff,**

**v.**

**Case No. 8:09-cv-479-T-30TGW**

**SOUTHEASTERN COMMERCIAL  
FINANCE LLC, et al.,**

**Defendants.**

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**ORDER REFERRING CASE TO BANKRUPTCY JUDGE**

Pursuant to 28 U.S.C. §§ 157(a), 1452(e), and 1478(a), and Rule 9027 of the Federal Bankruptcy Rules, this case concerns proceedings arising in or related to a case under title 11 (*In re: United Tile & Stone, Inc.*, Case No. 8:08-bk-19499-CPM), and therefore, shall be **REFERRED** to Bankruptcy Judge Catherine Peek McEwen, United States Bankruptcy Court, Middle District of Florida, Tampa Division.<sup>1</sup>

Pursuant to 28 U.S.C. § 157(a), each district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district. Pursuant to 28 U.S.C. § 157(b), bankruptcy judges may hear and determine all cases under title 11 and all core proceedings

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<sup>1</sup> Paragraph (e) of Rule 9027 provides that the removal is actually to the district court, but if there is a general reference pursuant to 28 U.S.C. § 157, the bankruptcy judge will conduct the removed proceeding and will conduct the proceeding in compliance with the Rules of Procedure set forth in Part VII of the Rules which deal with adversary proceedings in general. *See* Rule 9027, Advisory Committee Note (1987) and Editors' Comment.

arising under title 11, or arising in a case under title 11, referred under subsection (a), and may enter appropriate orders and judgments, subject to review under 28 U.S.C. § 158. Pursuant to 28 U.S.C. § 157(b)(3), the bankruptcy judge shall determine whether a proceeding is a core proceeding under section 157 or is a proceeding that is otherwise related to a case under title 11.

In the event the bankruptcy judge determines that this case is not a core proceeding but is otherwise related to a case under title 11, pursuant to 28 U.S.C. § 157(c), the bankruptcy judge shall submit proposed findings of fact and conclusions of law to the district court, and any final order or judgment shall be entered by the district judge after considering the bankruptcy judge's proposed findings and conclusions and after reviewing *de novo* those matters to which any party has timely and specifically objected.

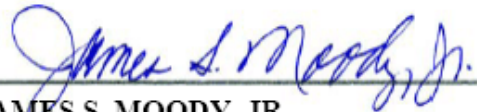
ORDERED AND ADJUDGED that:

1. The Clerk is directed to **REFER** all motions filed in this case, now and in the future, to Bankruptcy Judge Catherine Peek McEwen, who shall determine whether this proceeding is a core proceeding under section 157 or is a proceeding that is otherwise related to a case under title 11.
2. In the event Judge McEwen determines that this matter is a core proceeding, Judge McEwen shall hear and determine all matters in this case and enter appropriate orders and judgments, subject to review under 28 U.S.C. § 158.
3. In the event Judge McEwen determines that this case is not a core proceeding but is otherwise related to a case under title 11, pursuant to 28 U.S.C. § 157(c),

Judge McEwen shall submit proposed findings of fact and conclusions of law to the district court, and any final order or judgment shall be entered by the district judge after considering the bankruptcy judge's proposed findings and conclusions and after reviewing *de novo* those matters to which any party has timely and specifically objected.

4. Since the district court's electronic filing system is unable to automatically refer motions to the bankruptcy court's electronic filing system, the Clerk is further instructed to **ADMINISTRATIVELY CLOSE** this case and **TRANSFER** this case to the United States Bankruptcy Court, Middle District of Florida, Tampa Division.

**DONE** and **ORDERED** in Tampa, Florida on April 14, 2009.

  
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**JAMES S. MOODY, JR.**  
**UNITED STATES DISTRICT JUDGE**

Copies furnished to:

United States Bankruptcy Judge Catherine Peek McEwen  
Counsel/Parties of Record