

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 15-20770-CIV-GAYLES/TURNOFF

In re:

ISAAC KODSI,

Debtor.

_____ /

BARRY MUKAMAL, as Trustee,

Plaintiff,

vs.

ARK CAPITAL GROUP, LLC,
AMY KODSI, and NANCY KODSI,

Defendants.

_____ /

ORDER

THIS CAUSE came before the Court on Defendants Amy Kodsi and Nancy Kodsi's Motion to Withdraw the Reference [D.E. 1]. The Court has reviewed the Motion and the record, and is otherwise fully advised.

On October 15, 2014, Barry Mukamal, as Trustee ("TRUSTEE"), initiated an adversary proceeding against Ark Capital Group, LLC ("Ark"), Amy Kodsi, and Nancy Kodsi (collectively "Defendants") in the Chapter 7 Bankruptcy Proceeding, *In re: Isaac Kodsi*, No. 13-40134-LMI. Amy Kodsi and Nancy Kodsi (the "Kodsis") move to withdraw the reference of the adversary proceeding. Ark also moved to withdraw the reference in a separate action. *See In re Isaac Kodsi*, No. 15-20772-CMA [ECF No. 1](S.D. Fla.). United States District Judge Cecilia M. Altonaga denied Ark's request. *See Id.* at ECF No. 6.

Under 28 U.S.C. § 157(d), “[t]he district court may withdraw, in whole or in part, any case or proceeding referred under this section, on its own motion or on timely motion of any party, for cause shown.” The burden is on the movant to “demonstrate that sufficient cause exists for withdrawal.” *In re Wi-Sky Inflight, Inc.*, 483 B.R. 788, 792 (N.D.Ga. 2012)(internal quotation marks and citation omitted). In making its determination, the Court considers “such goals as advancing uniformity in bankruptcy administration, decreasing forum shopping and confusion, promoting the economical use of parties’ resources, and facilitating the bankruptcy process.” *In re Parklane/Atlanta Joint Venture*, 927 F.2d 532, 536 n. 5 (11th Cir. 1991)(citations omitted). The Court also considers whether the claim is core or non-core, the efficient use of judicial resources, the existence of a jury demand, and preventing delay. *See In re Hvide Marine, Inc.*, 248 B.R. 841, 844 (M.D. Fla. 2000)(citation omitted).

The Court finds that the Kodsis failed to demonstrate sufficient cause for withdrawal. Although the Kodsis allege that the claims are non-core, they fail to support their allegations. Indeed, the Kodsis admitted the proceedings were “core” in their answers to the Bankruptcy Complaint. *See In re: Isaac Kodsi*, No. 13-40134-LMI [ECF No 10, ECF No. 11]. In addition, the Court does not find that withdrawal promotes an economical use of the parties’ resources or facilitates the bankruptcy process, particularly since Judge Altonaga denied Ark’s request for withdrawal.

Based thereon, it is

ORDERED AND ADJUDGED that the Motion to Withdraw the Reference is DENIED.

It is further

ORDERED AND ADJUDGED that this case is CLOSED for administrative purposes and all pending motions are DENIED as moot.

DONE AND ORDERED in Chambers at Miami, Florida, this 11th day of March, 2015.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE

cc: Magistrate Judge Turnoff
All Counsel of Record