

Date Signed:
March 9, 2015



SO ORDERED.

Robert J. Faris
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII

In re

THE MORTGAGE STORE, INC.

Debtor.

Case No. 10-03454

Chapter 7

DANE S. FIELD, Bankruptcy Trustee
of The Mortgage Store,

Plaintiff,

vs.

WELLS FARGO BANK, N.A.,

Defendant.

Adv. Pro. No. 12-90066

USDC Civil No. 14-00064 DKW-
KSC

FURTHER RECOMMENDATION TO DISTRICT COURT
REGARDING WITHDRAWAL OF REFERENCE FOR JURY TRIAL

The trustee in this chapter 7 case alleges that two transfers from the debtor, The Mortgage Store, Inc. (TMS), to the defendant, Wells Fargo Bank, N.A., are avoidable, fraudulent transfers. Wells Fargo timely demanded a trial by jury.

Case filed electronically with the court. Original copy filed with the court.

On June 17, 2014, I recommended that the district court schedule a jury trial in this adversary proceeding and withdraw the reference sixty days before the trial date. The district court adopted this recommendation on June 19, 2014.

On June 29, 2014, the district court entered a Rule 16 Scheduling Order setting the case for trial on June 22, 2015. Accordingly, the reference will be withdrawn on April 23, 2015.

On June 30, 2014, I entered a Supplemental Scheduling Order which, among other things, set March 24, 2014, as the last date for hearing dispositive motions.

On February 19, 2015, the trustee filed two motions for partial summary judgment and obtained a hearing date of March 19, 2015. Wells Fargo promptly sought a continuance of the hearing, contending that it needs to conduct additional discovery.

At a status conference on March 5, 2015, the parties agreed to continue the hearing to April 20, 2015, provided that the district court postpone the withdrawal of the reference to allow me enough time to prepare a written ruling on the motions.

I recommend that the district court postpone the withdrawal of the reference until May 11, 2015. I believe that would give me adequate time to rule on the motions and might permit me to recommend dispositions of parts or all of the case

that would aid the district court.

END OF RECOMMENDATION