

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

DANE S. FIELD, bankruptcy trustee of the estate of Winston Mirikitani,)	CIVIL NO. 16-00121 LEK-RLP
)	
Plaintiff,)	
)	
vs.)	
)	
MARIAN MIRIKITANI, individually and as Trustee under Revocable Declaration of Trust dated March 20, 1982, et al.,)	
)	
Defendants.)	
_____)	

**ORDER ADOPTING BANKRUPTCY JUDGE'S
RECOMMENDATION TO DISTRICT COURT TO WITHDRAW REFERENCE
IN ORDER TO SCHEDULE AND CONDUCT JURY TRIAL**

On March 1, 2016, the bankruptcy judge transmitted his Recommendation to District Court to Withdraw Reference in Order to Schedule and Conduct Jury Trial ("Recommendation"). [Dkt. no. 1-1.] The bankruptcy judge recommended this Court: withdraw the reference at this time to schedule a jury trial and the associated deadlines; refer the proceeding to the bankruptcy judge for all other purposes until ninety days before the trial date; and reject the defendants' oral request that this Court - instead of the bankruptcy judge - hear and decide all dispositive motions in this case ("Dispositive Motions Request").

On March 29, 2016, this Court issued an entering order directing the parties to file any objections to the

Recommendation by April 8, 2016. [Dkt. no. 3.] No objections were filed.

As to the Dispositive Motions Request, the usual process is that, if a party files a dispositive motion regarding any claim as to which there is an entitlement to a jury trial, the bankruptcy judge issues findings and recommendations for the district court's de novo review. In the instant case, the defendants have not presented this Court with any reason why their Dispositive Motions Request is necessary, and this Court agrees with the bankruptcy judge that the usual process is appropriate in this case.

This Court therefore DENIES the Dispositive Motions Request and ADOPTS the bankruptcy judge's Recommendation in its entirety. The jury trial in this case will commence on **January 31, 2017**. This Court will issue a separate scheduling order setting forth the near-trial deadlines. Following the issuance of the scheduling order, this matter will be REFERRED to the bankruptcy judge for all other purposes. The reference will be withdrawn ninety days before the trial date.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, April 13, 2016.



/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

**DANE FIELD, ETC. VS. MARIAN MIRIKITANI, ETC.; CIVIL 16-00121 LEK-
RLP; ORDER ADOPTING BANKRUPTCY JUDGE'S RECOMMENDATION TO DISTRICT
COURT TO WITHDRAW REFERENCE IN ORDER TO SCHEDULE AND CONDUCT JURY
TRIAL**