

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

CEDAR RAPIDS LODGE & SUITES,
LLC et al.,

Plaintiffs,

vs.

MARC GABRIELSON,

Defendant.

No. 11-CV-106-LRR

ORDER

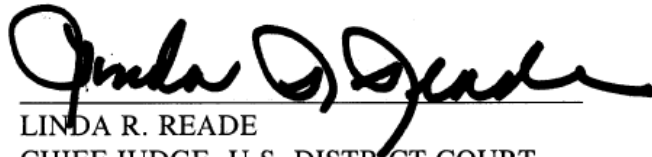
The matter before the court is Plaintiffs' "Motion to Withdraw Reference" ("Motion") (docket no. 3), which Plaintiffs filed on October 20, 2011. In the Motion, Plaintiffs request that the court withdraw the reference of the adversary proceeding in the Bankruptcy Court, *In re Gabrielson*, Adv. Proc. No. 11-9070 (Bankr. N.D. Iowa filed Sept. 15, 2011) ("Bankruptcy Proceeding"), and consolidate the proceeding with the civil proceeding already pending in this court, *Cedar Rapids Lodge & Suites, LLC v. JFS Development*, No. 09-CV-175 (N.D. Iowa filed Dec. 3, 2009) ("District Court Proceeding").

On November 2, 2011, Plaintiffs dismissed their claims against Gabrielson in the District Court Proceeding. *See* District Court Proceeding Stipulation of Dismissal (docket no. 181). Therefore, there is no cause to withdraw the reference of the Bankruptcy Proceeding to the district court, and the Bankruptcy Proceeding does not require consideration of both bankruptcy law and Plaintiffs' RICO claims against Gabrielson. *See* 28 U.S.C. § 157(d) (stating that a district court may withdraw a proceeding from a bankruptcy court "for cause shown" and shall withdraw such a proceeding "if the court determines that resolution of the proceeding requires consideration of both title 11 and other laws of the United States regulating organizations or activities affecting interstate

commerce”). Accordingly, the Motion is **DISMISSED AS MOOT**. The Clerk of Court is hereby **DIRECTED** to **CLOSE THIS CASE**.

IT IS SO ORDERED.

DATED this 17th day of November, 2011.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA