

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE:

CIVIL ACTION

CRAIG AUGUST HINGLE
TONYA DESALVO HINGLE

NO. 15-1587

DEBTORS

SECTION: "C"

BANK NO.: 14-12098 "A"

ADV. NO.: 15-01014

ORDER

Before the Court is a Motion for Order Withdrawing the Reference Pursuant to 28 U.S.C. §157(d) and Local District Court Rule 83.4.1 filed by Chester A. Hingle, III ("defendant"). Rec. Doc. 1. No opposition to the motion has been filed. The defendant has made a demand for trial by jury and has refused to consent to a jury trial before the bankruptcy court. Rec. Doc. 1-3 at 13. Bankruptcy courts in this district are not authorized to conduct jury trials. *Post Confirmation Bd. Of Wadleigh Energy Group, Inc. v. Wadleigh*, 516 B.R. 850, 854 (E.D. La 2014). However, even where a jury demand is made, such demand does not mandate that the district court immediately withdraw the reference as it may better serve judicial economy for the bankruptcy court to resolve pre-trial matters. *Id.* Moreover, courts in this district have found it inappropriate to determine with certainty whether a jury trial must be conducted when litigation has "barely moved past the pleading stage." *Id.* at 355. See also, *DeBaillon v. Goldking Capital Management*

LLC, Civ. A. 14-3008, 2015 WL 3791536, *4 (E.D. La 6/17/2015). In the instant action, the plaintiff seeks to void the transfer of assets by the debtor, Craig August Hingle and Tony DeSalvo Hingle to the defendant. Rec. Doc. 1-3 at 5-6. Whether actions involving fraudulent or preferential transfer are legal in nature, and thus entitled to jury trial, or equitable in nature “depends on the facts of the case. . .” 8 Norton Bankr. L. & Prac. 3d § 165:12. As this case has barely moved past the pleading stage, the Court finds it is premature to determine whether a jury trial is warranted.

Accordingly, IT IS ORDERED that the Motion to Withdraw is DENIED WITHOUT PREJUDICE. The bankruptcy court shall handle pretrial matters in this case. The Court instructs the bankruptcy court to certify in a written order when this matter is ready for trial. Following such certification, the motion to withdraw the reference may be re-urged.

New Orleans, Louisiana this 10th day of August, 2015.



UNITED STATES DISTRICT JUDGE