

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

IN RE: JAMES C. WALTERS, SR.

DEBTOR

JAMES C. WALTERS, SR.

PLAINTIFF

V.

CAUSE NO. 3:17-CV-00497-CWR-FKB

COUNTRY CREDIT LLC

DEFENDANT

ORDER

Before the Court is defendant Country Credit's motion to withdraw the reference from the bankruptcy court and for relief from the automatic stay. Docket No. 1-2. Plaintiff James Walters has no objection to the motion. Docket No. 1-1. After considering the record and applicable law, the Court concludes that the motion should be denied at this time.

In October 2016, Walters filed his Chapter 7 petition, schedules, and other documents in the underlying bankruptcy case. In March 2017, Walters filed this adversary proceeding against Country Credit, asserting state law claims for breach of contract, breach of the duty of good faith and fair dealing, and fraudulent misrepresentations. Walters additionally alleged federal claims against Country Credit for violation of the Truth in Lending Act, 15 U.S.C. § 1691 *et seq.* In its answer, Country Credit demanded a jury trial on all claims.

In June 2017, Country Credit filed the present motion. It contends that withdrawal is mandatory, or in the alternative, that permissive withdrawal is warranted. The Court disagrees.

The legal standard is undisputed and well-explained in Judge Lee's decision in *Burleigh v. Hometown Credit, LLC*, No. 3:17-CV-381-TSL-RHW, Docket No. 2 (S.D. Miss. July 18, 2017) (declining to withdraw the reference). In that case, Judge Lee was persuaded that "allowing the bankruptcy court to supervise pretrial and discovery matters will result in the most

. . . economical use of judicial resources.” *Id.* The same is true in this case, and this Court adopts that decision in its entirety.

Accordingly, Country Credit’s motion is denied without prejudice.

SO ORDERED, this the 4th day of October, 2017.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE