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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Case No.: 2:13-CV-00759-JAD

GREG J. BERKOWITZ and MICHELLE  
BERKOWITZ,

Plaintiff,

vs.

BAYVIEW LOAN SERVICING, LLC, and DOES 1-  
10, inclusive,

Defendants.

**Order Denying Motion for Withdrawal  
of the Reference to the Bankruptcy  
Court [#6]**

Before the Court is Plaintiffs Greg and Michelle Berkowitz's unopposed Motion for Withdrawal of the Reference to Bankruptcy Court Pursuant to 28 U.S.C. § 157(d).<sup>1</sup> As there remains no bankruptcy case to withdraw, the motion is denied with prejudice.

**Discussion**

On September 29, 2011, Greg Berkowitz filed a Chapter 7 bankruptcy petition.<sup>2</sup> On January 3, 2012, the bankruptcy court entered an order discharging Debtor Berkowitz.<sup>3</sup> On February 5, 2013, Berkowitz filed a motion to reopen the chapter 7 case to determine violations of the discharge injunction and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 against Defendants.<sup>4</sup> Notably, Berkowitz stated that "[t]he filing of an adversary proceeding is not necessary in order to

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<sup>1</sup>Doc. 6.

<sup>2</sup>*In re Berkowitz*, 11-25333-LBR (Bankr. Nev.).

<sup>3</sup>BK Doc. 19.

<sup>4</sup>BK Doc. 22 at 4-5.

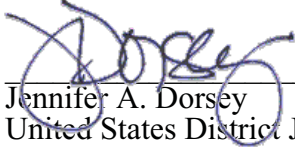
1 seek damages for violations of the discharge injunction or other Court orders. . . ,” and Berkowitz  
2 never brought an adversary proceeding before the bankruptcy court.<sup>5</sup>

3 On May 9, 2013, the bankruptcy court entered an order reopening the case for hearing,  
4 denying the Berkowitzes’ motion, and instructing the clerk of court to close the case upon entry of  
5 the order.<sup>6</sup> That same day, the bankruptcy court entered a final decree discharging the trustee and  
6 closing the case.<sup>7</sup> There are no further matters pending before the bankruptcy court. For that reason  
7 there is no pending matter to withdraw from the bankruptcy court.

8 **Conclusion**

9 Accordingly, IT IS HEREBY ORDERED that the Berkowitz Plaintiffs’ Motion for  
10 Withdrawal of the Reference [Doc. 6] is **DENIED** with prejudice.<sup>8</sup>

11 Dated this 16th day of April, 2014.

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14 Jennifer A. Dorsey  
15 United States District Judge  
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26 <sup>5</sup>*Id.* at 4.

27 <sup>6</sup>BK. Doc. 33 at 3.

28 <sup>7</sup>BK Doc. 34.

<sup>8</sup>The Court notes that there are other matters pending in this case and will address those matters in due course.