

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

In re AFRODITI LEDSTROM,
Debtor,

YVETTE WEINSTEIN, Chapter 11 Trustee, et al.,
Plaintiffs,

vs.

1531 LVBS, LLC, a Nevada limited liability
company, LV CABARET SOUTH, LLC, a Nevada
limited liability company, et al.,
Defendants.

Case No.: 2:14-cv-1000-JAD

Bankr. No. 12-S-11672-MKN
Bankr. Adv. No. 14-01018-MKN

**Order Denying Defendants' Amended
Motion for Withdrawal of the Reference
to the Bankruptcy Court (#7)**

Currently before me is defendant 1531 LVBS, LLC's amended motion for withdrawal of the reference for adversary proceeding Case No. 14-01018-MKN to the Bankruptcy Court.¹ The motion is virtually identical to those previously denied in Case Nos. 14-cv-569 and 14-cv-900.² I denied those requests because it was not clear that the bankruptcy court had determined whether the proceedings are core or non-core. I incorporate the findings and reasoning of these matters by reference.

1531 LVBS acknowledges in its amended motion that "with each new complaint improperly filed [in the bankruptcy court, it] is required, by statute, to file a Motion to Withdraw the Reference alerting the Bankruptcy Court and, by extension, this Court to the procedural and jurisdictional errors lethal to the various plaintiffs and intervening plaintiff's claims in this forum." Doc. 7 at 3. I correspondingly note that there remains no evidence indicating that the bankruptcy court has made the determination whether the proceedings in this matter are core or non-core, that the bankruptcy court should have the authority to resolve this question in the first instance, and that, without this

¹ Doc. 7. Aristotole Holding, LP and Pete the Greek, LLC responded to the amended motion on December 8, 2014, Doc. 10; intervenor plaintiffs OG Eliades, LLC, OG Eliades AD, LLC, OG Eliades LLC / OG Eliades AD, LLC General Partnership responded on December 9, 2014. Doc. 10. Aristotle Holding, LP and Pete the Greek, LLC then joined in Doc. 11, Doc. 12, and supplemented their response. Doc. 13. 1531 LVBS and "Interested Party" LV Cabaret Smith filed a reply, which was docketed twice. Docs. 14, 15. These two parties also filed a notice on February 12, 2015. Doc. 17.

² I incorporate the factual background developed in these matters by reference.

1 answer, the factors considered for permissive withdrawal under 28 U.S.C. § 157(d) and (e) weigh in
2 favor of keeping this case before the bankruptcy court.³ 1531 LVBS's slightly modified arguments
3 in its amended motion to withdraw do not persuade me that the reference should be withdrawn at
4 this time.⁴ Thus, I deny this amended motion to withdraw the reference without prejudice for the
5 same reasons as articulated in Case Nos. 14-cv-569 and 14-cv-900.

6 Accordingly, IT IS HEREBY ORDERED that Defendants' Amended Motion for Withdrawal
7 of the Reference (**Doc. 7**) is **DENIED** without prejudice.

8 Dated on this 22nd day of April 2015.

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11 Jennifer A. Dorsey
12 United States District Judge

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³ See 14-cv-569 Doc. 4; 14-cv-900 Doc. 7.

28 ⁴ See Doc. 7.