

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN WELLS, an individual,

Plaintiff,

v.

BENJAMIN VALENTY, an individual;
IMAGINART PUBLISHING, a California
General Partnership; IMAGINART, L.L.C., a
Nevada Limited Liability Company;

Defendants.

No. 3:11-cv-5880 RBL

ORDER GRANTING MOTION FOR
REFERENCE OF ACTION TO
BANKRUPTCY COURT

[Dkt. #14]

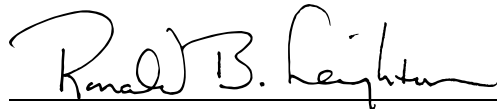
This matter is before the Court on Plaintiff's Motion for Reference of Action to Bankruptcy Court [Dkt. #14]. In October 2011, Plaintiff filed a complaint in this Court against Defendants, asserting various claims, including fraud, breach of contract, conversion, rescission, and consumer fraud. In November 2011, both Defendants separately filed a voluntary petition for relief in the United States Bankruptcy Court for the Central District of California. Plaintiff argues that this action should be referred to the United States Bankruptcy Court for the Western District of Washington for consideration of Plaintiff's motion to transfer.

1 If there is some reason why it would make sense for a bankruptcy court to take over a
2 lawsuit from district court, the proper procedure is for the party seeking the transfer to move the
3 district court to refer the action to the bankruptcy court in the same district for further handling.
4 *In re Mitchell*, 206 B.R. 204, 210 (Bankr. C.D. Cal. 1997). Because both Defendants have filed
5 bankruptcy petitions in Bankruptcy Court for the Central District of California, Plaintiff is
6 subject to potentially duplicative time and expenses associated with litigating claims in two
7 different forums and two different jurisdictions. Therefore, this Court GRANTS Plaintiff's
8 motion to refer this matter to the Bankruptcy Court for the Western District of Washington, and
9 the bankruptcy court can consider Plaintiff's motion to transfer to the Bankruptcy Court for the
10 Central District of California.
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12 The Plaintiff's Motion [Dkt. #14] is GRANTED.
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14 IT IS SO ORDERED.
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16 DATED this 11th day of April, 2012.
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19 RONALD B. LEIGHTON
20 UNITED STATES DISTRICT JUDGE
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