

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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|---------------------------------------|---|-----------------------------|
| CHAPTER 7 TRUSTEE ALFRED T. GIULIANO, | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | Civil Action No. 14-471-RGA |
| | : | |
| MICHAEL SCHNABEL, et al., | : | |
| | : | |
| Defendants. | : | |

MEMORANDUM

I have a request to refer this case to the Bankruptcy Court. (D.I. 68). The docket in the underlying bankruptcy case of *In re: DSI Renal Holdings, LLC*, No. 11-11722, shows that it is a chapter 7 case with no recent activity.

It is the practice of this Court, as embodied in the Amended Standing Order of Reference, to refer to the Bankruptcy Court anything that can be referred that court. It makes sense for the bankruptcy court to be managing all related litigation, even if some of it is litigation to which there is a jury trial right. The bankruptcy court benefits from seeing the big picture while making decisions on discrete pieces of the litigation. In addition, the Bankruptcy Court has expertise in bankruptcy law that I do not have.

I am going to refer this case to the Bankruptcy Court. While there is no recent activity in the underlying bankruptcy litigation, it seems clear that the Bankruptcy Court's expertise will be useful in managing the adversary case until it is ready for a jury trial. The pending motions make multiple arguments relying upon bankruptcy law, and it appears that both factually and legally the Bankruptcy Court's expertise will be useful in resolving disputed issues.

Thus, the request to refer the case is **GRANTED**. A separate order will be entered.

May 6, 2014
Date

Richard G. Andrews
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ALFRED T. GIULIANO, as Chapter 7 Trustee
for the jointly administered Chapter 7 estates
of Debtors DSI Renal Holdings LLC, DSI
Hospitals, Inc., and DSI Facility Development,
LLC,

Plaintiff,

v.

CDSI I HOLDINGS COMPANY, INC., *et al.*,

Defendants

CA No. 14-00471 (RGA)

ORDER

IT IS HEREBY ORDERED that, in conformance with this Court's Amended Standing Order of Reference, dated February 29, 2012, this action is hereby referred to the United States Bankruptcy Court for the District of Delaware; and is further hereby

ORDERED that this case is to proceed before the Honorable Kevin J. Carey as an adversary proceeding in the chapter 7 cases of DSI Renal Holdings, LLC, *et al.*, Case No. 11-11722 (KJC); and is further hereby

ORDERED that the Clerk of this Court and the Clerk of the United States Bankruptcy Court for the District of Delaware are hereby authorized and directed to take all actions necessary to transfer this case to the United States Bankruptcy Court for the District of Delaware as set forth in this Order.

Dated: May 6, 2014
Wilmington, Delaware


THE HONORABLE RICHARD G. ANDREWS
UNITED STATES DISTRICT JUDGE