

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

**Table of Contents**

Adversary Proceedings (Avoidance Actions).....1  
 Adversary Proceedings (Non-Avoidance Actions).....16  
 Consent .....36  
 Contested Matters .....41  
 Counterclaims .....47  
 Dischargeability .....52  
 Jury Issues.....54  
 Statutory Gap .....57

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Avoidance Actions)	1st Bankr. D. Mass. Bailey	Mar. 30, 2012	<i>Miller v. Grosso (In re Miller)</i> , 467 B.R. 677 (Bankr. D. Mass. 2012) – bankruptcy court did not have to reach issue of whether it had constitutional authority over fraudulent conveyance action prior to trial phase; bankruptcy court could at a minimum submit proposed findings of fact and conclusions of law.	Neutral
Adv. Proceedings (Avoidance Actions)	2nd S.D.N.Y. Rakoff	May 9, 2012	<i>Kirschner v. Agoglia</i> , --- F. Supp. 2d ---, Case No. 11 Civ. 8250, 2012 WL 1622496 (S.D.N.Y. May 9, 2012) – district court determined that bankruptcy courts do not have constitutional authority to enter final orders in fraudulent conveyance actions; to conclude that the very claim presented in <i>Granfinanciera</i> is a “public right” would be totally at odds with the <i>Stern</i> Court’s analogy to <i>Granfinanciera</i> ; cautionary dicta and past practice do not overcome the logic of the Supreme Court’s holding in <i>Stern</i> ; simple logic dictates unequivocally that fraudulent conveyance claims like those brought in this case are “private rights” that, under <i>Stern</i> and the Constitution, must be finally tried by an Article III court.	Expansive

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Adv. Proceedings (Avoidance Actions)	2nd S.D.N.Y. Cote	Mar. 29, 2012	<i>Weisfelner v. Blavatnik (In re Lyondell Chem. Co.)</i> , 467 B.R. 712 (S.D.N.Y. 2012) – district court determined that bankruptcy courts do not have constitutional authority to enter final orders in fraudulent conveyance actions; under both <i>Stern</i> and <i>Granfinanciera</i> , it is axiomatic that a fraudulent conveyance claim against a person who has not submitted a claim against a bankruptcy estate, brought solely to augment the bankruptcy estate, is a matter of private right; bankruptcy courts can still submit proposed findings of fact and conclusions of law on fraudulent conveyance actions.	Expansive
Adv. Proceedings (Avoidance Actions)	2nd S.D.N.Y. Koeltl	Mar. 26, 2012	<i>Marshall v. Picard (In re Madoff)</i> , --- F. Supp. 2d ---, Case No. 10 Civ. 4652, 2012 WL 990829 (S.D.N.Y. Mar. 26, 2012) – district court stated in a footnote that <i>Stern</i> cannot be reasonably interpreted as holding that the power explicitly accorded by Congress to the bankruptcy courts to enter judgment in fraudulent transfer actions violates Article III; Court in <i>Stern</i> said that its decision was narrow and would not meaningfully change division of labor.	Narrow
Adv. Proceedings (Avoidance Actions)	2nd S.D.N.Y. Sweet	Mar. 5, 2012	<i>Capmark Fin. Grp., Inc. v. Goldman Sachs Credit Partners L.P.</i> , Case No. 11 Civ. 7511, 2012 WL 698813 (S.D.N.Y. Mar. 5, 2012) – district court denied motion to transfer venue over preference action filed in different district than underlying bankruptcy case; district court noted the inconsistency in the case law as to whether <i>Stern</i> should be interpreted broadly or narrowly; it is questionable whether the bankruptcy court would have the constitutional authority to be the trier of fact in the preference action.	Cautionary

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Adv. Proceedings (Avoidance Actions)	2nd S.D.N.Y. Crotty	Jan. 30, 2012	<i>Adelphia Recovery Trust v. FLP Grp., Inc. (In re Adelphia Commc'n Corp.)</i> , 11 Civ. 6847, 2012 U.S. Dist. LEXIS 10804 (S.D.N.Y. Jan. 30, 2012) – district court denied motion to withdraw the reference of §§ 544 and 550 proceedings; bankruptcy court lacked constitutional authority to enter final judgment on § 544 claim because the claim is a private right, would not necessarily be decided in ruling on a proof of claim, and the defendant did not knowingly consent; bankruptcy court could propose findings of fact and conclusions of law.	Expansive
Adv. Proceedings (Avoidance Actions)	2nd S.D.N.Y. McMahon	Dec. 23, 2011	<i>Dev. Specialists, Inc. v. Orrick, Herrington &amp; Sutcliffe</i> , Civ. No. 11-6337, 2011 WL 6780600 (S.D.N.Y. Dec. 23, 2011) – district court granted motion to withdraw bankruptcy reference but denied abstention request on multiple state law causes of action as well as turnover under state and federal law; under <i>Stern</i> , some state law claims involve private rights over which the bankruptcy court lacks constitutional authority to enter a final judgment absent consent; under <i>Stern</i> and <i>Granfinanciera</i> , bankruptcy court did not have authority over non-creditor defendant with respect to fraudulent conveyance claim.	Expansive
Adv. Proceedings (Avoidance Actions)	2nd S.D.N.Y. Pauley	Dec. 20, 2011	<i>Picard v. Estate of Mark D. Madoff</i> , 11 Misc. 0379, 2011 U.S. Dist. LEXIS 151140 (S.D.N.Y. Dec. 22, 2011) – district court denied motion for interlocutory appeal of bankruptcy court's denial of motion to dismiss §§ 544 and 548 actions in addition to other state law common law actions for lack of jurisdiction; defendants filed proofs of claim and therefore claims might still be resolved as part of the “allowance or disallowance” based on the nature of the proofs of claim.	Neutral

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Adv. Proceedings (Avoidance Actions)	2nd Bankr. S.D.N.Y. Drain	Nov. 30, 2011	<i>Kirchner v. Agoglia (In re Refco, Inc.)</i> , 461 B.R. 181 (Bankr. S.D.N.Y. 2011) – bankruptcy court entered final judgment on fraudulent transfer action and in the alternative as proposed findings and conclusions; avoidance actions under sections 544(b) and 548 are “arising under” actions; unlike the state law counterclaim in <i>Stern</i> , a fraudulent transfer action flows from a federal regulatory scheme; pursuit of avoidance claims are a core aspect of bankruptcy administration since the 18th century; courts since <i>Granfinanciera</i> continue to hold that bankruptcy courts have constitutional authority to adjudicate fraudulent transfer actions; <i>Stern</i> is self-limiting.	Narrow
Adv. Proceedings (Avoidance Actions)	2nd S.D.N.Y. Rakoff	Nov. 28, 2011	<i>Picard v. Flinn Inv., LLC</i> , 463 B.R. 280 (S.D.N.Y. 2011) – district court granted motion to withdraw the reference on limited basis to determine, among other things, whether <i>Stern</i> prevents a bankruptcy court from finally resolving fraudulent transfer claims and if so, whether the bankruptcy court has the authority to render findings of fact and conclusions of law before final resolution.	Cautionary
Adv. Proceedings (Avoidance Actions)	2nd S.D.N.Y. Scheindlin	Nov. 10, 2011	<i>In re Extended Stay, Inc.</i> , Adv. Pro. 11–2398, 2011 U.S. Dist. LEXIS 131349 (S.D.N.Y. Nov. 10, 2011) – district court denied withdrawal of the reference of various fraudulent transfers actions; <i>Stern</i> does not mandate withdrawal; many of the claims are asserted against creditors who filed proofs of claim and the plaintiff’s claims would be resolved in the process of ruling on the claims; bankruptcy court is to make initial determination of its constitutional authority; at a minimum, bankruptcy court can submit proposed findings and conclusions on avoidance actions.	Neutral

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Adv. Proceedings (Avoidance Actions)	3rd Bankr. D. Del. Walsh	Apr. 12, 2012	<i>Zazzali v. 1031 Exch. Grp. (In re DBSI, Inc.)</i> , 467 B.R. 767 (Bankr. D. Del. 2012) – bankruptcy court denied motions to dismiss adversary proceedings for avoidance actions (including under §§ 544, 547, 548, 549) and state law claims; <i>Stern</i> 's holding is narrow; even though defendants alleged a jury demand was eminent, no such demand had been made; even if jury demand were made, it is customary for the bankruptcy court to preside over proceeding until trial; Delaware's amended standing order of reference allows the bankruptcy court to submit proposed findings of fact and conclusions of law when the bankruptcy court determines it does not have constitutional authority to adjudicate core or non-core matters.	Narrow
Adv. Proceedings (Avoidance Actions)	3rd Bankr. W.D. Pa. Markovitz	Feb. 29, 2012	<i>Bohm v. Titus (In re Titus)</i> , 467 B.R. 592 (Bankr. W.D. Pa. 2012) – bankruptcy court entered final judgment on fraudulent transfer action and in the alternative proposed findings of fact and conclusions of law; court agrees with those courts that construe <i>Stern</i> narrowly and hold that, notwithstanding <i>Stern</i> , a bankruptcy court possesses the constitutional authority to enter a final decision regarding a fraudulent transfer action brought pursuant to state law under § 544(b)(1); debtor arguably consented to entry of final judgment by bankruptcy court where debtor removed state court fraudulent transfer action to the bankruptcy court.	Narrow
Adv. Proceedings (Avoidance Actions)	3rd Bankr. W.D. Pa. Markovitz	Feb. 7, 2012	<i>Cardiello v. Arbogast (In re Arbogast)</i> , 466 B.R. 287 (Bankr. W.D. Pa. 2012) – bankruptcy court entered final judgment on fraudulent transfer action and in the alternative proposed findings of fact and conclusions of law; court agrees with those courts that construe <i>Stern</i> narrowly and hold that, notwithstanding <i>Stern</i> , a bankruptcy court possesses the constitutional authority to enter a final decision regarding a fraudulent transfer action brought pursuant to state law under § 544(b)(1); debtor arguably consented to entry of final judgment by bankruptcy court where debtor removed state court fraudulent transfer action to the bankruptcy court.	Narrow

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Adv. Proceedings (Avoidance Actions)	3rd Bankr. D. Del Gross	Jan. 12, 2012	<i>Burtch v. Seaport Capital, LLC, et. al., (In re Direct Response Media, Inc.)</i> , 466 B.R. 626 (Bankr. D. Del. 2012) – bankruptcy court granted and denied in part motion to dismiss complaint asserting avoidance actions and state law claims; adopting the narrow view of <i>Stern</i> , the preference and fraudulent transfer claims are “core” issues because they arise under title 11 and in a case under title 11 such that the bankruptcy court could enter final orders on them; the alleged transfers may have led to the bankruptcy filing, and without the bankruptcy filing there would not have been state law causes of action.	Narrow
Adv. Proceedings (Avoidance Actions)	3rd D. Del. Irenas	Dec. 14, 2011	<i>Michaelson v. Golden Gate Private Equity, Inc. (In re Appleseed’s Intermediate Holdings, LLC)</i> , Adv. No. 11-51847, 2011 U.S. Dist. LEXIS 144315, 2011 WL 6293251 (D. Del. Dec. 14, 2011) – district court withdrew reference on entire adversary proceeding consisting of fraudulent transfer and breach of fiduciary duty claims; by withdrawing reference for cause under § 157(d), court did not address the constitutional impact of <i>Stern</i> ; withdrawal would promote uniformity in bankruptcy administration, preserve parties’ resources, and expedite the bankruptcy process.	Neutral
Adv. Proceedings (Avoidance Actions)	3rd Bankr. E.D. Pa. Frank	Nov. 15, 2011	<i>Goldstein v. Eby-Brown (In re Universal Mktg., Inc.)</i> , 459 B.R. 573 (Bankr. E.D. Pa. 2011) – bankruptcy court denied a motion to dismiss actions for pre and post-petition fraudulent transfers; trustee filed claim under § 544 not the UFTA; distinction is relevant even though the avoidance power in § 544 is premised on state law; <i>Stern</i> involved a state law claim independent of federal bankruptcy law; criticizes <i>Blixseth</i> .	Narrow
Adv. Proceedings (Avoidance Actions)	4th Bankr. M.D.N.C. Stocks	Apr. 13, 2012	<i>Ivey v. Buchanan (In re Whitley)</i> , Adv. No. 11-2022, 2012 WL 1268670 (Bankr. M.D.N.C. Apr. 13, 2012) – bankruptcy court determined it had constitutional authority to enter final judgment on fraudulent transfer claims against defendants who filed proofs of claim because it was necessary to decide the fraudulent transfer claims in order to allow or disallow the defendants’ proofs of claim.	Neutral

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Adv. Proceedings (Avoidance Actions)	4th Bankr. M.D.N.C. Stocks	Apr. 13, 2012	<i>Ivey v. Vester (In re Whitley)</i> , Adv. No. 11-2056, 2012 WL 1268220 (Bankr. M.D.N.C. Apr. 13, 2012) – bankruptcy court determined it did not have constitutional authority to enter final order on fraudulent transfer claims against defendant who had not filed proof of claim or consented; court could nonetheless hear the matter and submit proposed findings of fact and conclusions of law.	Expansive
Adv. Proceedings (Avoidance Actions)	4th Bankr. M.D.N.C. Waldrep	Mar. 27, 2012	<i>Burns v. Dennis (In re Se. Materials, Inc.)</i> , 467 B.R. 337 (Bankr. M.D.N.C. 2012) – bankruptcy court determined it did not have constitutional authority to enter final order in fraudulent conveyance action where defendants did not file proofs of claim; fraudulent conveyance actions were common law actions tried law in England; thus, fraudulent conveyance actions do not “stem from the Bankruptcy Code.”	Expansive
Adv. Proceedings (Avoidance Actions)	4th E.D. Va. Brinkema	Nov. 18, 2011	<i>McCarthy v. Wells Fargo Bank (In re El-Atari)</i> , Case No. 1:11cv1090, 2011 U.S. Dist. LEXIS 133423 (E.D. Va. Nov. 18, 2011) – district court denied motion to withdraw the reference; bankruptcy court does not lose power post- <i>Stern</i> to hear fraudulent conveyance action though it can no longer determine them; even if fraudulent conveyance actions are no longer core proceedings, they are “related to” proceedings.	Expansive
Adv. Proceedings (Avoidance Actions)	5th Bankr. S.D. Tex. Isgur	May 14, 2012	<i>Post-Confirmation Comm. v. Tomball Forest, Ltd. (In re Bison Bldg. Holdings, Inc.)</i> , Adv. No. 11-3339, 2012 WL 1758232 (Bankr. S.D. Tex. May 14, 2012) – bankruptcy court determined it had constitutional authority to enter final order in preference action because preference actions stem from the bankruptcy itself and are decided primarily pursuant to <i>in rem</i> jurisdiction.	Narrow

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Adv. Proceedings (Avoidance Actions)	5th Bankr. N.D. Tex.  Jernigan	Apr. 23, 2012	<i>The Cadle Co. v. Brunswick Homes, LLC (In re Moore)</i> , --- B.R. ---, Adv. No. 06-3417, 2012 WL 1415513 (Bankr. N.D. Tex. Apr. 23, 2012) – bankruptcy court determined it had constitutional authority to enter final order in adversary proceeding involving fraudulent transfer, constructive trust, and alter ego/reverse veil piercing; while some state law issues are implicated, §§ 541, 542, 544, 548, and 550 of the Bankruptcy Code are also implicated; to the extent a higher court disagrees, the bankruptcy court recommends that its memorandum opinion and order be regarded as proposed findings of fact and conclusions of law in accordance with § 157(c)(1).	Narrow
Adv. Proceedings (Avoidance Actions)	5th Bankr. E.D. Tex.  Rhoades	Mar. 30, 2012	<i>Chow v. Prince (In re Prince)</i> , Adv. No. 10-4214, 2012 WL 1095506 (Bankr. E.D. Tex. Mar. 30, 2012) – bankruptcy court determined it had constitutional authority to enter summary judgment in fraudulent conveyance actions asserted under federal and state law; <i>Stern</i> described its question as a narrow one; adversary proceeding did not involve state law counterclaim; the trustee’s action flows directly from a federal statutory scheme.	Narrow
Adv. Proceedings (Avoidance Actions)	5th E.D. Tex.  Crone	Mar. 29, 2012	<i>Feuerbacher v. Moser</i> , Case No. 4:11-cv-272, 2012 WL 1070138 (E.D. Tex. Mar. 29, 2012) – district court determined that bankruptcy court had constitutional authority to enter final order on §§ 544(b) and 548 fraudulent conveyance actions; bankruptcy fraudulent transfer law flows directly from a federal statutory scheme; pursuit of avoidance claims has been a core aspect of bankruptcy administration tied to, if not solely based on, the bankruptcy courts’ principally <i>in rem</i> jurisdiction; assuming <i>arguendo</i> bankruptcy court did not have constitutional authority, bankruptcy court could submit proposed findings of fact and conclusions of law.	Narrow



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Adv. Proceedings (Avoidance Actions)	5th Bankr. W.D. Tex. Gargotta	Mar. 2, 2012	<i>Crescent Res. Litig. Trust v. Fields (In re Crescent Res., LLC)</i> , Adv. No. 11-01135, 2012 WL 691876 (Bankr. W.D. Tex. Mar. 2, 2012) – bankruptcy court denied direct appeal certification on its dismissal of § 544(b) action because the action was not preserved in the debtor’s plan; contrary to the plaintiff’s contention, <i>Stern</i> was inapplicable; even if <i>Stern</i> were applicable, the court’s ruling on standing did not involve a determination of the court’s authority under <i>Stern</i> .	Neutral
Adv. Proceedings (Avoidance Actions)	5th Bankr. N.D. Tex. Jones	Feb. 10, 2012	<i>In re Am. Hous. Found.</i> , Case No. 09-20232, 2012 Bankr. LEXIS 449, 2012 WL 443967 (Bankr. N.D. Tex. Feb. 10, 2012) – bankruptcy court denied various motions to dismiss causes of action including fraudulent transfers under §§ 544 and 548 and preference actions under § 547; most defendants were not creditors and did not consent to the court hearing the matters; the causes of action were “arising” matters and not merely “related” matters; even assuming bankruptcy court does not have constitutional authority to determine matters post- <i>Stern</i> , it makes little sense that the bankruptcy judge has authority to submit proposed findings of fact and conclusions of law on non-core matters, but not core.	Neutral
Adv. Proceedings (Avoidance Actions)	5th Bankr. W.D. La. Summerhays	Jan. 31, 2012	<i>Searcy v. Knight (In re Am. Int’l Refinery and In re Am. Int’l Petroleum)</i> , Adv. No. 06-2018, 2012 Bankr. LEXIS 412 (Bankr. W.D. La. Jan. 31, 2012) – bankruptcy court denied motion to dismiss bankruptcy and state law claims for lack of subject matter jurisdiction; <i>Stern</i> only applies to entry of final orders; even if <i>Stern</i> precluded the bankruptcy court’s entry of final orders, the district court still has jurisdiction, and the bankruptcy court can propose findings of fact and conclusions of law.	Neutral

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Adv. Proceedings (Avoidance Actions)	5th Bankr. S.D. Tex.  Isgur	Dec. 28, 2011	<i>W. v. Freedom Med., Inc. (In re Apex Long Term Acute Care – Katy, L.P.)</i> , 465 B.R. 452 (Bankr. S.D. Tex. 2011) – bankruptcy court granted trustee’s motions to dismiss and default judgment in suits brought for avoidance of preferential transfers under § 547; court relied on <i>Stern</i> to support the proposition that preferential transfers are fundamental bankruptcy issues that fall within the public rights doctrine; preferential transfers involve transfers of property of the estate and therefore adjudication falls within the bankruptcy court’s <i>in rem</i> jurisdiction.	Narrow
Adv. Proceedings (Avoidance Actions)	5th W.D. Tex.  Cardone	Nov. 9, 2011	<i>City Bank v. Compass Bank</i> , No. EP-11-MC-372-KC, 2011 U.S. Dist. LEXIS 129654 (W.D. Tex. Nov. 9, 2011) – district court denied motion to withdraw the reference on fraudulent transfer claim; district court assumed, without deciding, that the fraudulent transfer claim was non-core; court would withdraw the case if and when a jury trial became necessary; <i>Stern</i> prohibits a bankruptcy court from entering final judgment on a state law claim that is independent of a federal statutory scheme.	Expansive
Adv. Proceedings (Avoidance Actions)	6th E.D. Ky.  Bunning	Apr. 18, 2012	<i>Official Comm. of Unsecured Creditors of Appalachian Fuels, LLC v. Energy Coal Res. (In Appalachian Fuels, LLC)</i> , Case No. 0:11-CV-128, 2012 WL 1344984 (E.D. Ky. Apr. 18, 2012) – district court denied motions to withdraw the reference; bankruptcy courts have constitutional authority to adjudicate fraudulent transfer and preference actions; <i>Stern</i> and <i>Granfinanciera</i> were narrow holdings limited to their facts; district court would not overrule <i>Katchen</i> and <i>Lagenkamp</i> as to defendants that filed proofs of claim; even if bankruptcy court could not enter final order, bankruptcy court could still enter proposed findings and conclusions on matters statutorily core despite language in § 157(c)(1).	Narrow
Adv. Proceedings (Avoidance Actions)	6th Bankr. W.D. Mich.  Nelson	Jan. 11, 2012	<i>Richardson v. Checker Acquisition Corp. (In re Checker Motors Corp.)</i> , 463 B.R. 858 (Bankr. W.D. Mich. 2012) – bankruptcy court concluded that it tentatively had constitutional authority to enter orders in fraudulent transfer and preference proceedings; court viewed <i>Stern</i> as extremely narrow; court did not enter final judgment at this stage of the proceeding.	Neutral

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Adv. Proceedings (Avoidance Actions)	6th Bankr. W.D. Tenn. Latta	Oct. 5, 2011	<i>Tabor v. Kelly (In re Davis)</i> , Adv. No. 07-05181-L, 2011 Bankr. LEXIS 3764 (Bankr. W.D. Tenn. Oct. 5, 2011) – bankruptcy court submitted proposed findings of fact and conclusions of law on summary judgment over fraudulent transfer and preference actions; defendant did not file proof of claim, demanded jury, and did not consent to the bankruptcy court conducting the jury trial; under <i>Granfinanciera</i> and <i>Stern</i> , bankruptcy courts cannot adjudicate avoidance actions because they involve private rights, were historically suits at common law, and bankruptcy referees had no summary jurisdiction over them; if Seventh Amendment right to jury trial attaches, the action must be heard and decided in an Article III court.	Expansive
Adv. Proceedings (Avoidance Actions)	6th Bankr. W.D. Mich. Dales	Nov. 8, 2011	<i>Hagan v. Classic Prod. Corp. (In re Wilderness Crossings, LLC)</i> , Adv. No. 11-80417, 2011 Bankr. LEXIS 5016 (Bankr. W.D. Mich. Nov. 8, 2011) – bankruptcy court entered default judgment on avoidance action; parties may waive <i>Stern</i> -based objections because <i>Stern</i> is not about jurisdiction.	Narrow
Adv. Proceedings (Avoidance Actions)	7th Bankr. N.D. Ill. Cox	Mar. 8, 2012	<i>Peterson v. Enhanced Inv. Corp. (In re Lancelot Inv. Fund, L.P.)</i> , Case No. 08 B 28225, 2012 WL 761593 (Bankr. N.D. Ill. Mar. 8, 2012) – bankruptcy court invited parties to submit additional briefing (by March 25, 2012) on whether <i>Stern</i> prevents the bankruptcy court from entering final orders on avoidance actions; there is uncertainty whether the court has authority to enter final orders granting pending motions for summary judgment as the claims are matters not necessarily resolvable by a ruling on a proof of claim; bankruptcy court had “related to” jurisdiction over avoidance actions.	Cautionary
Adv. Proceedings (Avoidance Actions)	7th N.D. Ill. Leinenweber	Feb. 10, 2012	<i>Sharifeh v. Fox</i> , No. 11 C 8811, 2012 U.S. Dist. LEXIS 17478, 2012 WL 469980 (N.D. Ill. Feb. 10, 2012) – district court denied motion to withdraw reference on avoidance actions as untimely without considering <i>Stern</i> .	Neutral

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Adv. Proceedings (Avoidance Actions)	7th Bankr. N.D. Ill. Cox	Dec. 12, 2011	<i>Levey v. Hanson's Window &amp; Constr., Inc. (In re Republic Windows &amp; Doors, LLC)</i> , 460 B.R. 511 (Bankr. N.D. Ill. 2011) – bankruptcy court determined that various causes of action including state law claims and §§ 548 and 544 actions were “related to” actions because they had the potential of augmenting the estate; as such, the various causes of action were non-core matters and thus the bankruptcy court could submit proposed findings and conclusions of law to the district court under § 157(c)(1).	Expansive (though stated as Narrow)
Adv. Proceedings (Avoidance Actions)	7th Bankr. N.D. Ill. Schmetterer	Dec. 2, 2011	<i>Paloian v. LaSalle Bank Nat'l A'ssn (In re Doctors Hospital of Hyde Park, Inc.)</i> , 463 B.R. 93 (Bankr. N.D. Ill. 2011) – on post-trial remand from 7th Circuit, bankruptcy court requested <i>Stern</i> briefing from parties in adversary proceeding for avoidance actions; proceedings constituted a “related to” matter in which the parties could consent to entry of judgment by an Article I judge, but both parties did not consent; bankruptcy court may deny summary judgment because ultimate judgment is left to the district court, but bankruptcy court cannot not grant summary judgment.	Cautionary
Adv. Proceedings (Avoidance Actions)	8th Bankr. D. Neb. Saladino	Jan. 20, 2012	<i>Stalnaker v. Fitch (In re First Am. Ins. Servs., Inc.)</i> , Adv. No. 11-4074, 2012 WL 171583 (Bankr. D. Neb. Jan. 20, 2012) – bankruptcy court recommended that defendant’s motion to dismiss challenging bankruptcy court’s jurisdiction be denied for avoidance actions under §§ 544, 547, and 548, and/or turnover of property under § 550; relied on narrow reading of <i>Stern</i> ; court asserted it may hear any non-core issues and submit recommendations to the district court for entry of a final order.	Narrow
Adv. Proceedings (Avoidance Actions)	8th D. Minn. Nelson	Sept. 21, 2011	<i>Kelley v. JPMorgan Chase &amp; Co.</i> , Civil No. 11-193 (SRN/JJG), 2011 U.S. Dist. LEXIS 107427 (D. Minn. Sept. 21, 2011) – district court denied defendant’s motion for withdrawal of the reference in a number of fraudulent transfer and preference actions; claims at issue derived from or are dependent on bankruptcy law unlike in <i>Stern</i> ; no jurisdictional grounds for withdrawing the reference; bankruptcy court at the very least could submit proposed findings and conclusions to the district court.	Narrow

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Adv. Proceedings (Avoidance Actions)	9th Bankr. D. Mont. Kirscher	Jan. 3, 2012	<i>Samson v. Blixseth (In re Blixseth)</i> , 463 BR. 896 (Bankr. D. Mont. 2012) – after district court denied withdrawal of reference, bankruptcy court submitted proposed findings of fact and conclusions of law on preference, fraudulent transfer, and state law claims; after having reflected on <i>Stern</i> since in its original <i>Blixseth</i> decision in (2011 WL 3274042) the bankruptcy court’s conclusions on subject matter jurisdiction was “flawed.”	Neutral
Adv. Proceedings (Avoidance Actions)	9th D. Haw. Kobayashi	Dec. 29, 2011	<i>Field v. Trust Estate of Keпоikai (In re Maui Indus. Loan Fin. Co.)</i> , Civ. No. 11-00552, 2011 U.S. Dist. LEXIS 149589, 2012 WL 6934571 (D. Haw. Dec. 29, 2011) – district court denied motion to withdraw the reference on fraudulent transfer claims without prejudice to the defendant re-filing; withdrawal would be premature; while <i>Stern</i> discussed whether the bankruptcy court could enter a final judgment, it did not express any opinion regarding whether the bankruptcy court has authority to conduct pretrial proceedings and submit findings and recommendations; neither judicial economy nor substantial prejudice to the defendants required the immediate withdrawal of the reference.	Neutral
Adv. Proceedings (Avoidance Actions)	9th Bankr. D. Mont. Kirscher	Dec. 14, 2011	<i>Samson v. W. Capital Partners LLC (In re Blixseth)</i> , Adv No. 10-00094, 2011 WL 6217416 (Bankr. D. Mont. Dec. 14, 2011) –bankruptcy court denied motion to dismiss for lack of subject matter jurisdiction; having now had the benefit of more time to reflect on <i>Stern</i> , the court found its conclusion in 2011 WL 3274042 may be flawed.	Neutral
Adv. Proceedings (Avoidance Actions)	9th N.D. Cal. Breyer	Dec. 13, 2011	<i>Heller Ehrman v. Arnold &amp; Porter (In re Heller Ehrman LLP)</i> , 464 B.R. 348 (N.D. Cal. 2011) – district court denied motion for withdrawal of reference on fraudulent transfer action; although Justice Roberts states that <i>Stern</i> is narrow, the Court’s rationale for its holding leads to the conclusion that bankruptcy courts cannot enter final orders on fraudulent conveyance actions; bankruptcy courts, however, may submit proposed findings and conclusions.	Expansive

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Adv. Proceedings (Avoidance Actions)	9th D. Haw. Seabright	Oct. 5, 2011	<i>Field v. Lindell (In re The Mortgage Store, Inc.)</i> , Civil No. 11-00439 JMS/RLP, 2011 U.S. Dist. LEXIS 123506 (D. Haw. Oct. 5, 2011) – district court denied motion for withdrawal of reference on Section 544(b) and 548 actions; even if a bankruptcy court no longer has authority to enter final orders on avoidance actions, it may still submit proposed findings and conclusions.	Neutral
Adv. Proceedings (Avoidance Actions)	9th Bankr. N.D. Cal. Montali	Sept. 28, 2011	<i>Heller Ehrman v. Arnold &amp; Porter (In re Heller Ehrman LLP)</i> , Adv. No. 01-3203DM, 2011 Bankr. LEXIS 3764 (Bankr. N.D. Cal. Sept. 28, 2011) – bankruptcy court recommended denial of motions to withdraw the reference on fraudulent transfer actions; while dicta in <i>Stern</i> may indicate that fraudulent transfer actions cannot be finally determined by bankruptcy courts, the holding is much narrower. (District Court denied motion for withdrawal of reference, but determined that a bankruptcy court cannot adjudicate fraudulent transfer actions).	Narrow
Adv. Proceedings (Avoidance Actions)	9th Bankr. D. Idaho Pappas	Nov. 3, 2011	<i>Gugino v. Canyon County (In re Bujak)</i> , Adv. No. 11-6038, 2011 Bankr. LEXIS 4291 (Bankr. D. Idaho Nov. 3, 2011) – bankruptcy court denied motions to dismiss avoidance actions filed under Section 544(b), 547(b), and 548(a); unlike <i>Stern</i> , trustee asserted substantive avoidance powers that “arise under” the Bankruptcy Code or “arise in” a bankruptcy case; <i>Stern</i> ’s comments about fraudulent conveyance actions are dicta; defendant filed proof of claim and therefore trustee’s claims were part of the allowance/disallowance process under Section 502(d).	Narrow
Adv. Proceedings (Avoidance Actions)	10th Bankr. D. Kan. Somers	May 15, 2012	<i>Brooke Corp. v. The Bank of New York Mellon (In re Brooke Corp.)</i> , Adv. No. 10-6245, 2012 WL 1759322 (Bankr. D. Kan. May 15, 2012) – bankruptcy court determined it had constitutional authority to enter final order on preference action because they are core under § 157(b)(2)(F) not (b)(2)(C); bankruptcy court would not dismiss constructive fraudulent transfer action because at a minimum, the bankruptcy court could submit proposed findings of fact and conclusions of law.	Narrow

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Avoidance Actions)	10th Bankr. D. Colo. Romero	Apr. 30, 2012	<i>Wadsworth v. DeLaFuente (In re DeLaFuente)</i> , Adv. No. 10-1911, 2012 WL 1535848 (Bankr. D. Colo. Apr. 30, 2012) – bankruptcy court determined that <i>Stern</i> did not prevent it from hearing state law based affirmative defense in a fraudulent conveyance action; concluded that the case before it did not fall within the narrow boundaries prescribed by <i>Stern</i> .	Narrow
Adv. Proceedings (Avoidance Actions)	10th Bankr. D. Kan. Somers	Dec. 16, 2011	<i>Redmond v. Brad Noll and Assocs., Inc. (In re Brooke Corp.)</i> , Adv. No. 10-6164, 2011 Bankr. LEXIS 5047 (Bankr. D. Kan. Dec. 16, 2011) – bankruptcy court denied motion to dismiss state law and § 548 claims; <i>Stern</i> does not apply to claims that are not state law counterclaims; plaintiff does not rely upon § 157(b)(2)(C) for authority; even if the bankruptcy court cannot enter final judgment on some of the claims, court could hear the claims and make recommendations to the district court.	Neutral
Adv. Proceedings (Avoidance Actions)	10th D. Colo. Martínez	Oct. 31, 2011	<i>Mercury Co., Inc. v. FNF Sec. Acquisition, Inc.</i> , 460 B.R. 778 (D. Colo. 2011) – district court denied motion to withdraw the reference on fraudulent transfer actions; parties consented to bankruptcy court adjudication by litigating the action in bankruptcy court for 19 months and admitting in pre- <i>Stern</i> pleadings that the fraudulent transfer actions were “core”; <i>Stern</i> “was explicitly narrow.”	Narrow
Adv. Proceedings (Avoidance Actions)	11th Cir. S.D. Fla. Marra	Mar. 14, 2012	<i>Stettin v. Regent Cap. Partners, LLC (In re Rothstein, Rosenfeldt, Adler, P.A.)</i> , Case No. 11-62612, 2012 WL 882497 (S.D. Fla. Mar. 14, 2012) – district court denied withdrawal of the reference on fraudulent transfer actions; removing fraudulent transfer actions from bankruptcy court jurisdiction would meaningfully change the division of labor between bankruptcy and district courts; defendants did not file a proof of claim and demanded a jury, therefore, bankruptcy court would hear all pretrial matters and reference will be withdrawn at trial stage to conduct the jury trial.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Avoidance Actions)	11th Bankr. S.D. Fla. Hyman	Dec. 5, 2011	<i>Menotee v. United States (In re Custom Contractors, LLC)</i> , 462 B.R. 901 (Bankr. S.D. Fla. 2011) – bankruptcy court overruled IRS’s objection to the bankruptcy court’s entry of a final order in §§ 544 and 548 actions; fraudulent conveyance actions stem from the bankruptcy itself; <i>Granfinanciera</i> and <i>Stern</i> were narrow decisions; IRS consented to adjudication based on conduct during litigation.	Narrow
Adv. Proceedings (Non-Avoidance Actions)	1st Bankr. D.P.R. Lamoutte	Mar. 26, 2012	<i>Rentas v. Claudio (In re Garcia)</i> , Adv. No. 10-00170, 2012 WL 1021449 (Bankr. D.P.R. Mar. 26, 2012) – bankruptcy court denied motion to dismiss turnover action; <i>Stern</i> does not impair a bankruptcy court’s subject-matter jurisdiction over property of the estate; central to bankruptcy’s collective debt-collection scheme is the creation of an estate; turnover proceeds invoke the bankruptcy court’s most basic equitable powers to gather and manage the property of the property of the estate.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	1st Bankr. D.R.I. Bailey	Mar. 23, 2012	<i>City of Central Falls, R.I. v. Cent. Falls Teachers’ Union (In re City of Cent. Falls, R.I.)</i> , 468 B.R. 36 (Bankr. D.R.I. 2012) – bankruptcy court determined that it had constitutional authority to enter final order in declaratory judgment action; although the counterclaim at issue in <i>Stern</i> arose under state law, the determinative feature of that counterclaim was that it did not arise under the bankruptcy code.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	1st Bankr. D.R.I. Votolato	Jan. 20, 2012	<i>M2M Multihull, LLC v. Jock West (In re Jock West)</i> , Adv. No. 11-1021, 2012 WL 204221 (Bankr. D.R.I. Jan. 20, 2012) – bankruptcy court granted defendants’ motion to dismiss plaintiff’s complaint asserting state contract and tort actions against non-debtor parties; <i>Stern</i> discourages use of § 105 powers over non-debtor defendants; although plaintiff consented to jurisdiction, proceedings were not “related to” and thus not a part of the bankruptcy court’s limited jurisdiction as <i>Stern</i> explains.	Cautionary



**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	1st 1st Cir. Lipez, Ripple, Howard	Jan. 6, 2012	<i>In re Divittorio</i> , 670 F.3d 273 (1st Cir. 2012) – First Circuit affirmed district court concluding that appellant’s adversary proceeding failed to state a claim and, alternatively, that the appellant knowingly and voluntarily waived any rights to rescind loan agreement at issue; <i>Stern</i> did not affect the jurisdiction of the bankruptcy court to render a decision in this matter.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	1st Bankr. D. Mass. Feeney	Oct. 21, 2011	<i>In re Koufos</i> , Adv. No. 11-1185, 2011 Bankr. LEXIS 4087 (Bankr. D. Mass. Oct. 21, 2011) – bankruptcy court granted motion to dismiss debtor’s complaint because the debtor’s claims were not core or non-core; no value would be realized to the bankruptcy estate because the debtor asserted Massachusetts homestead exemption.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	2nd Bankr. S.D.N.Y. Bernstein	May 11, 2012	<i>Empire State Building Co. L.L.C. v. N.Y. Skyline, Inc. (In re N.Y. Skyline, Inc.)</i> , --- B.R. ---, Adv. No. 09-1107, 2012 WL 1658355 (Bankr. S.D.N.Y. May 11, 2012) – bankruptcy court denied motions to dismiss adversary proceeding on non-core state law based claims for lack of subject matter jurisdiction; <i>Stern</i> has nothing to do with non-core matters; parties had previously consented to bankruptcy court adjudication.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	2nd S.D.N.Y. Engelmayer	Feb. 1, 2012	<i>Geron v. Levine (In re Levine)</i> , No. 1:00-cv-9101, 2012 WL 310944 (S.D.N.Y. Feb. 1, 2012) – district court granted motion to withdraw the bankruptcy reference on adversary proceeding asserting various state law and fraudulent conveyance claims; after <i>Stern</i> , bankruptcy courts cannot be constitutionally vested with the power to issue final judgments on issues that implicate only private rights, though parties may consent to adjudication; trustee demanded jury trial and thus for efficiency sake, withdrawal of reference for core and non-core claims was appropriate.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	2nd Bankr. S.D.N.Y. Morris	Dec. 9, 2011	<i>McClelland v. Grubbs &amp; Ellis Valuation and Advisory Grp. (In re McClelland)</i> , 460 B.R. 397 (Bankr. S.D.N.Y. 2011) – bankruptcy court determined that removed state law action regarding professional negligence that allegedly occurred in connection with bankruptcy case was a core proceeding; lawsuit concerned administration of the estate and implicated work done by a court-appointed professional; agrees that <i>Stern</i> has a narrow application.	Narrow
Adv. Proceedings (Non-Avoidance Actions)	2nd S.D.N.Y. McMahon	Nov. 2, 2011	<i>Dev. Specialists, Inc. v. Akin Gump Strauss Hauer &amp; Feld LLP</i> , No. 11 civ. 5994 (CM), 2011 U.S. Dist. LEXIS 127898 (S.D.N.Y. Nov. 2, 2011) – district court withdrew the reference on various state law-based causes of action; parties agreed that actions were “related to”; whether a bankruptcy court can finally adjudicate a matter post- <i>Stern</i> depends on whether the claim to be adjudicated involves a “public” or “private” right; <i>Stern</i> goes further than <i>Marathon</i> and <i>Granfinanciera</i> ; district court had jurisdiction and power to adjudicate the “related to” matters under 28 U.S.C. § 1334(b).	Expansive
Adv. Proceedings (Non-Avoidance Actions)	2nd S.D.N.Y. Preska	Sept. 19, 2011	<i>In re Fairfield Sentry Ltd.</i> , 458 B.R. 665 (S.D.N.Y. 2011) – district court reversed and remanded bankruptcy court’s denial of mandatory abstention; claims were state law based and not core because they were not “arising in” or “arising under”; no public rights exception; district court did not have to determine whether claims were “related to” because the bankruptcy court would have to reconsider mandatory abstention anyway.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	2nd S.D.N.Y. McMahon	Sept. 23, 2011	<i>Retired Partners of Coudert Bros. Trust v. Baker McKenzie LLP (In re Coudert Bros. LLP)</i> , App. Case No. 11-2785 (CM), 2011 U.S. Dist. LEXIS 110425 (S.D.N.Y. Sept. 23, 2011) – district court vacated bankruptcy court rulings on state law claims and converted the ruling to a report and recommendation; claims were “related to” and parties did not consent to bankruptcy court adjudication merely by participating in litigation; whether a bankruptcy court can finally adjudicate a matter post- <i>Stern</i> depends on whether the claim to be adjudicated involves a “public” or “private” right; <i>Stern</i> says nothing about the district court’s authority to hear and determine “related to” matters.	Expansive

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

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Adv. Proceedings (Non-Avoidance Actions)	3rd Bankr. E.D. Pa. Coleman	Apr. 30, 2012	<i>Cilio v. Wezner (In re Wezner)</i> , --- B.R.---, Adv. No. 11-00441, 2012 WL 1532862 (Bankr. E.D. Pa. Apr. 30, 2012) – bankruptcy court dismissed various causes of action including debtor’s causes of action for lack of subject matter jurisdiction; the debtor’s claims, if successful, would augment the estate, but adjudication of such claims would exceed the scope of the court’s related-to jurisdiction under <i>Stern</i> .	Expansive
Adv. Proceedings (Non-Avoidance Actions)	3rd Bankr. W.D. Pa. Agresti	Apr. 30, 2012	<i>Falck Prop., LLC v. Parkvale Fin. Corp. (In re Brownsville Prop. Corp., Inc.)</i> , --- B.R. ---, Adv. No. 12-2054, 2012 WL 1508009 (Bankr. W.D. Pa. Apr. 30, 2012) – bankruptcy court denied motion to remand removed action for breach of contract and unjust enrichment; parties implicitly consented to bankruptcy court adjudication by extensively litigating process involving property (the subject of the litigation) and not raising any objection to the court’s retention of authority to adjudicate disputes arising from failed sale.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	3rd Bankr. D. Del. Walsh	Apr. 12, 2012	<i>Zazzali v. 1031 Exch. Grp. (In re DBSI, Inc.)</i> , 467 B.R. 767 (Bankr. D. Del. 2012) – bankruptcy court denied motions to dismiss adversary proceedings for avoidance actions and state law claims; <i>Stern’s</i> holding is narrow; even though defendants alleged a jury demand was eminent, no such demand had been made; even if jury demand were made, it is customary for the bankruptcy court to preside over proceeding until trial; Delaware’s amended standing order of reference allows the bankruptcy court to submit proposed findings of fact and conclusions of law when the bankruptcy court determines it does not have constitutional authority to adjudicate core or non-core matters.	Narrow
Adv. Proceedings (Non-Avoidance Actions)	3rd D.N.J. Wolfson	Feb. 9, 2012	<i>Sheehan v. Dobin</i> , Case No. 10-6288, 2012 U.S. Dist. LEXIS 16128, 2012 WL 426285 (D.N.J. Feb. 9, 2012) – district court denied motion to reconsider order affirming bankruptcy court decision on § 544 action whereby trustee, as bona fide purchaser without notice, sought to avoid transfer of property; <i>Stern</i> decision did not constitute intervening change in law.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	3rd Bankr. D. Del. Walsh	Feb. 7, 2012	<i>Liquidating Tr. of MPC Liquidating Trust v. Granite Fin. Solutions, Inc. (In re MPC Comp., LLC)</i> , 465 B.R. 384 (Bankr. D. Del. 2012) – bankruptcy court denied motion to dismiss causes of action for breach of contract and unjust enrichment; reliance on <i>Stern</i> for jurisdictional inquiry is misplaced; court had related to jurisdiction; whether defendant is entitled to a jury has no bearing on subject matter jurisdiction and thus irrelevant at this stage of proceeding.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	3rd Bankr. E.D. Pa. Magdeline	Jan. 4, 2012	<i>D'Angelo v. J.P. Morgan Chase (In re D'Angelo)</i> , Adv. No. 11-00744, 2012 WL 27541 (Bankr. E.D. Pa. Jan. 4, 2012) – bankruptcy court granted defendant's remand and request for attorneys' fees pursuant to 28 U.S.C. § 1447(c); plaintiff-debtor removed two state law proceedings to the bankruptcy court; although court remanded state law proceedings on other grounds, it cautioned that it possibly could not have "jurisdiction" over debtors' tort claim in light of <i>Stern</i> .	Unclear
Adv. Proceedings (Non-Avoidance Actions)	3rd Bankr. D.N.J. Stern	Nov. 1, 2011	<i>Bayonne Med. Ctr. v. Bayonne/Omni Dev., LLC (In re Bayonne Med. Ctr.)</i> , Adv. No. 09-1689, 2011 Bankr. LEXIS 4748 (Bankr. D.N.J. Nov. 1, 2011) – bankruptcy court entered summary judgment on state law non-core matters; parties consented to bankruptcy court adjudication; <i>Stern</i> dealt with adjudication of a statutorily core cause of action.	Narrow
Adv. Proceedings (Non-Avoidance Actions)	3rd Bankr. D. Mass. Feeney	Oct. 27, 2011	<i>Lacey v. BAC Home Loans Serv., LP (In re Lacey)</i> , Adv. No. 10-1249, 2011 Bankr. LEXIS 4179 (Bankr. D. Mass. Oct. 27, 2011) – bankruptcy court denied motions to remand and abstain for hearing various state law claims; claims were "related to"; defendants did not consent, but bankruptcy court could still hear the matters and submit proposed findings of fact and conclusions of law under 28 U.S.C. § 157(c)(1).	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	3rd D. Del. Hillman	Sept. 9, 2011	<i>Kurz v. Emak Worldwide, Inc.</i> , Civ. No. 11-375-NLH, 2011 U.S. Dist. LEXIS 102906 (D. Del. Sept. 9, 2011) – district court denied motion for remand; plaintiffs asserted prepetition cause of action and after the defendant filed bankruptcy, the plaintiff filed a proof of claim on the same basis; because the two were identical, the bankruptcy court was required to adjudicate the action to resolve the proof of claim; <i>Stern</i> 's holding is “very limited.”	Narrow
Adv. Proceedings (Non-Avoidance Actions)	4th S.D.S.C. Cain	Apr. 2, 2012	<i>Joe Gibson's Auto World, Inc. v. Zurich Am. Ins. Co. and Universal Underwriters Ins. Co. (In re Joe Gibson's Auto World, Inc.)</i> , Case No. 7:11-2482, 2012 WL 1107763 (D.S.C. Apr. 2, 2012) – district court denied motion to withdraw the reference on adversary proceeding involving state-law claims where defendant demanded a jury; <i>Stern</i> does not preclude the court from allowing the pretrial proceedings to be handled by the bankruptcy court; even where the parties have a right to a jury trial, immediate withdrawal is not required.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	4th Bankr. E.D. Va. Huennekens	Mar. 30, 2012	<i>Shaia v. Taylor (In re Connelly)</i> , Adv. No. 11-03315, 2012 WL 1098431 (Bankr. E.D. Va. Mar. 30, 2012) – bankruptcy court determined it had constitutional authority over turnover action; court disagreed with broad interpretation of <i>Stern</i> ; turnover actions arise under the Bankruptcy Code.	Narrow
Adv. Proceedings (Non-Avoidance Actions)	4th Bankr. M.D.N.C. Waldrep	Jan. 13, 2012	<i>Yellow Sign, Inc. v. Freeway Foods, Inc. (In re Freeway Foods of Greensboro, Inc.)</i> , 466 B.R. 750 (Bankr. M.D.N.C. 2012) – bankruptcy court applied a two-part test from <i>Stern</i> and determined that it had constitutional authority to enter final judgments on “core” claims and counterclaims asserted by the debtor and other non-debtors that (1) stem from the bankruptcy itself; or (2) would necessarily be resolved in the claims allowance process; bankruptcy court determined it did not have constitutional authority to enter final judgments on “non-core” claims, “core” claims and counterclaims that did meet the two-part <i>Stern</i> test or when not all parties consented to the bankruptcy court entering final judgment; bankruptcy court would propose findings of fact and conclusions of law on claims where it lacked constitutional authority.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	4th Bankr. E.D.N.C. Leonard	Dec. 2, 2011	<i>D &amp; B Swine Farms, Inc. v. Murphy-Brown, L.L.C. (In re D &amp; B Swine Farms, Inc.)</i> , Adv. No. 09-00160, 2011 Bankr. LEXIS 4684 (Bankr. E.D.N.C. Dec. 2, 2011) – bankruptcy court held that it could hear plaintiff’s state law breach of contract claims but could only propose findings of fact and conclusions of law; claim subject to an arbitration clause must be submitted to arbitration because the court’s prior reason for not enforcing the arbitration clause, that the matter was a “core” matter, no longer applied in light of <i>Stern</i> .	Expansive
Adv. Proceedings (Non-Avoidance Actions)	4th Bankr. M.D.N.C. Waldrep	Oct. 26, 2011	<i>Walter v. Freeway Foods Inc. (In re Freeway Foods of Greensboro, Inc.)</i> , Adv. No. 10-02057, 2011 Bankr. LEXIS 4189 (Bankr. M.D.N.C. Oct. 26, 2011) – bankruptcy court held that under <i>Stern</i> , it had authority to enter judgment with respect to state-law based causes of action that formed the basis for the plaintiff’s proof of claim but could only submit proposed findings of fact and conclusions of law that were “related to” but not “arising in” or “arising under.”	Neutral
Adv. Proceedings (Non-Avoidance Actions)	5th Bankr. S.D. Tex. Isgur	May 18, 2012	<i>Harris v. Pyramid GOM, Inc. (In re Capco Energy, Inc.)</i> , Adv. No. 10-3349, 2012 WL 1853471 (Bankr. S.D. Tex. May 18, 2012) – bankruptcy court submitting recommendation on motion for summary judgment after determining it did not have constitutional authority to enter final judgment in adversary proceeding related to guarantees executed in connection with purchase and sale agreement under chapter 11 plan; proceeding did not involve bankruptcy law and was instead concerned with the enforcement of state-law contract rights. (Note: bankruptcy court opined that bankruptcy courts may, however, exercise authority over essential bankruptcy matters under the public rights doctrine).	Neutral
Adv. Proceedings (Non-Avoidance Actions)	5th Bankr. S.D. Tex. Bohm	Apr. 26, 2012	<i>Ruth v. LVNV Funding, Inc. (In re Ruth)</i> , Adv. No. 10-03520, 2012 WL 1455814 (Bankr. S.D. Tex. 2012) – bankruptcy court determined it had constitutional authority to enter orders on claim allowance and request for sanctions and damages award; <i>Stern</i> concerned only state law issues; claims allowance process is expressly bankruptcy law and state law has no equivalent.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	5th Bankr. N.D. Tex. Jernigan	Apr. 23, 2012	<i>The Cadle Co. v. Brunswick Homes, LLC (In re Moore)</i> , --- B.R. ---, Adv. No. 06-3417, 2012 WL 1415513 (Bankr. N.D. Tex. Apr. 23, 2012) – bankruptcy court determined it had constitutional authority to enter final order in adversary proceeding involving fraudulent transfer, constructive trust, and alter ego/reverse veil piercing; while some state law issues are implicated, §§ 541, 542, 544, 548, and 550 of the Bankruptcy Code are also implicated; to the extent a higher court disagrees, the bankruptcy court recommends that its memorandum opinion and order be regarded as proposed findings of fact and conclusions of law in accordance with § 157(c)(1).	Narrow
Adv. Proceedings (Non-Avoidance Actions)	5th Bankr. N.D. Tex. Summerhays	Apr. 4, 2012	<i>Joyner v. Liprie (In re Liprie)</i> , Adv No. 11-02003, 2012 WL 1144614 (Bankr. W.D. La. Apr. 4, 2012) – bankruptcy court determined <i>Stern</i> did not prevent it from considering matters that touched on state law (citing <i>Butner</i> ); Supreme Court’s assured in <i>Stern</i> that the Court’s ruling was a narrow one.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	5th Bankr. S.D. Tex. Bohm	Mar. 5, 2012	<i>Frazer v. Prop. Owners Ass’n of Canyon Vill. at Cypress Springs (In re Frazer)</i> , Adv. No. 11-03484, 2012 WL 719412 (Bankr. S.D. Tex. Mar. 5, 2012) – bankruptcy court determined it had constitutional authority to rule on whether chapter 13 plan could lien strip a homestead held by a homeowner’s association; resolution of the dispute necessarily determines whether a claim was completely secured or completely unsecured (§ 506(a) issue); even if <i>Stern</i> applies, this matter falls within the “public rights” exception; determination of this matter is inextricably tied to bankruptcy scheme and involves adjudication of rights created by the Bankruptcy Code.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	5th Bankr. S.D. Tex. Isgur	Jan. 25, 2012	<i>Harris v. Pyramid GOM, Inc. (In re Capco Energy, Inc.)</i> , Adv. No. 10-3349, 2012 WL 253140 (Bankr. S.D. Tex. Jan. 25, 2012) – bankruptcy court recommended that trustee’s summary judgment motion be granted in part and denied in part; adversary proceeding consisted of enforcement of state-law contract rights that did not involve bankruptcy law and thus the court lacked authority over those matters.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	5th E.D. La. Zainey	Jan. 19, 2012	<i>S. La. Ethanol, LLC v. Agrico Sales, Inc.</i> , Civ. No. 11-3059, 2012 U.S. Dist. LEXIS 6465, 2012 WL 174646 (E.D. La. Jan. 19, 2012) – district court denied defendants’ motion to withdraw the reference on various state law claims ruling that <i>Stern</i> did not draw the validity of the reference into question under the facts of the case; pre- <i>Stern</i> standards governing permissive withdrawal of the reference continue to be valid; <i>Stern</i> had no direct impact on whether the automatic reference should be withdrawn; in contrast to <i>Stern</i> , adversary complaint did not fall into one of the categories that Congress attempted to deem as core under § 157(b)(2) because it raises state law issues that exist wholly outside of title 11.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	5th Bankr. N.D. Tex. Houser	Jan. 18, 2012	<i>Faulkner v. Kornman (In re The Heritage Org., L.L.C.)</i> , Adv. No. 06-3377, 2012 Bankr. LEXIS 220 (Bankr. N.D. Tex. Jan. 18, 2012) – bankruptcy court did not address <i>Stern</i> argument raised by defendants because the judgment was final and the prior determination of jurisdiction could not be attacked; even if <i>Stern</i> implicated the court’s jurisdiction for Rule 12 purposes, the court’s prior determination of jurisdiction is <i>res judicata</i> .	Neutral
Adv. Proceedings (Non-Avoidance Actions)	5th Bankr. N.D. Tex. Houser	Nov. 28, 2011	<i>Reed v. Linehan (In re Soporex, Inc.)</i> , Adv. No. 11-3306-BJH, 2011 Bankr. LEXIS 4695 (Bankr. N.D. Tex. Nov. 28, 2011) – bankruptcy court submitted proposed findings of fact and conclusions of law on various state law claims; claims were “related to” and thus 28 U.S.C. § 157(c)(1) permitted the bankruptcy court to submit proposed findings and conclusions to the district court; to the extent that a category of “core but unconstitutional” exists, it is absurd to think that bankruptcy courts can do nothing with these claims.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	5th Bankr. S.D. Tex. Isgur	Nov. 10, 2011	<i>NERS, L.P. v. Jones (In re Special Value Continuation Partners, L.P.)</i> , Adv. No. 11-3304, 2011 Bankr. LEXIS 4475 (Bankr. S.D. Tex. Nov. 10, 2011) – bankruptcy court abstained and remanded to Texas state court various state law “related to” claims by nondebtors against nondebtors; <i>Stern</i> negates the notion that “related to” matters can be more easily, expeditiously, and inexpensively tried in front of the home bankruptcy court.	Cautionary



**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	5th Bankr. S.D. Tex. Isgur	Nov. 7, 2011	<i>West v. Avery (In re Noram Resources Inc.)</i> , Adv. No. 10-03701, 2011 Bankr. LEXIS 4268 (Bankr. S.D. Tex. Nov. 7, 2011) – bankruptcy court determined that it had authority to decide motion to dismiss even though <i>Stern</i> prevented it from adjudicating the merits of the claim (whether directors breached their duty of care through their compensation decisions).	Neutral
Adv. Proceedings (Non-Avoidance Actions)	5th Bankr. S.D. Tex. Isgur	Oct. 14, 2011	<i>Hill v. New Concept Energy, Inc. (In re Yazoo Pipeline Co., L.P.)</i> , 459 B.R. 636 (Bankr. S.D. Tex. 2011) – bankruptcy court granted in part and denied in part motions to dismiss various state law claims; <i>Stern</i> precludes bankruptcy court from entering a final judgment because the claims at issue would not necessarily be resolved through the claims allowance process; <i>Stern</i> does not limit the bankruptcy court’s authority to enter pre-trial orders that are within its statutory jurisdiction.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	5th Bankr. N.D. Tex. Houser	Oct. 3, 2011	<i>Faulkner v. Kornman, et al. (In re Heritage Org., L.L.C.)</i> , Adv. No. 06-3377, 2011 Bankr. LEXIS 3832 (Bankr. N.D. Tex. Oct. 3, 2011) – bankruptcy court denied motion to vacate final judgment entered years prior to the motion; even if <i>Stern</i> were a problem, defendants consented to the bankruptcy court’s exercise of jurisdiction and entry of a final judgment.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	5th N.D. Tex. McBryde	Sept. 7, 2011	<i>Meyers v. Textron Fin. Corp. (In re AIH Acquisitions, LLC)</i> , No. 4:11-CV-379-A, 2011 U.S. Dist. LEXIS 101190 (N.D. Tex. Sept. 7, 2011) – district court vacated bankruptcy court’s dismissal of state law claims; appellees argued that appellants consented to bankruptcy court adjudication by seeking to intervene in adversary pre- <i>Stern</i> ; district court determined that a petition in intervention that asserts state law claims is not entitled to any greater bankruptcy status than the counterclaim filed in <i>Stern</i> .	Expansive

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	6th Bankr. W.D. Mich. Hughes	Apr. 27, 2012	<i>Moyer v. Koloseik (In re Sutton)</i> , --- B.R. ---, Adv. No. 11-80269, 2012 WL 1605591 (Bankr. W.D. Mich. Apr. 27, 2012) – bankruptcy court determined it did not have constitutional authority to enter default judgment on suit to recover sums allegedly owing on open account even though trustee brought action under § 542; <i>Stern</i> addresses due process and the taking of money in this suit would be violating the defendant’s due process rights; disagrees with courts’ narrow interpretation of <i>Stern</i> ; question about whether bankruptcy courts fall within public rights exception should be left to Article III judges; failure to respond to complaint resulting in default was not tantamount to consent; Federal Rule of Civil Procedure 55 could not serve as basis to get around Article III concerns addressed in <i>Stern</i> ; court determined it could submit proposed findings of fact and conclusions of law and district court could disregard if it disagrees.	Expansive
Adv. Proceedings (Non-Avoidance Actions)	6th N.D. Ohio Gwin	Mar. 16, 2012	<i>Keybank National Assoc. v. Huntington National Bank (In re Schwab Indus.)</i> , Case No. 5:11-MC-00107, 2012 WL 910069 (N.D. Ohio Mar. 16, 2012) – district court withdrew the reference on breach of trust action; claim arose under state law and did not arise from the claims adjudication process; claim existed independently of the Bankruptcy Code and derived entirely from state law that simply sought to augment the estate.	Cautionary
Adv. Proceedings (Non-Avoidance Actions)	6th Bankr. E.D. Ky. Scott	Sept. 21, 2011	<i>McKinstry v. Sargent (In re Black Diamond Mining Co., LLC)</i> , Adv. No. 11-07010, 2011 Bankr. LEXIS 3645 (Bankr. E.D. Ky. Sept. 21, 2011) – bankruptcy court denied motion for stay of abstention order pending appeal; bankruptcy court could not constitutionally treat state law claims against movant as core proceedings where resolution of the state law claims did not bear on the allowability of proof of claim; <i>Stern</i> casts doubt that bankruptcy courts have supplemental jurisdiction simply because those claims relate to the same case or controversy as a cause of action pending before the bankruptcy court.	Expansive

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	6th Bankr. N.D. Ohio Harris	Sept. 6, 2011	<i>In re Sw. Sports Ctr., Inc.</i> , Adv. No. 10-1312, 2011 Bankr. LEXIS 3404 (Bankr. N.D. Ohio Sept. 6, 2011) – bankruptcy court granted abstention motion; parties did not consent to bankruptcy court adjudication; plaintiff’s claims were state-law based (i.e., claims for fraud, conspiracy, and negligence) and would not be resolved in the resolution of the creditor’s claim (i.e., claim based on a judgment lien).	Neutral
Adv. Proceedings (Non-Avoidance Actions)	7th Bankr. E.D. Wis. Kelley	Feb. 3, 2012	<i>Ortiz v. Aurora Health Care, Inc. (In re Ortiz.)</i> , 464 B.R. 807 (Bankr. E.D. Wis. 2012) – after Seventh Circuit determined that claims against creditor were non-core, the bankruptcy court ruled that it was procedural proper to submit findings of fact and conclusions of law to the district court under § 157(c); claims that were statutorily core were non-core under <i>Stern</i> .	Expansive
Adv. Proceedings (Non-Avoidance Actions)	7th 7th Cir. Tinder, Williams, Gottschall	Dec. 30, 2011	<i>Ortiz v. Aurora Health Care, Inc. (In re Ortiz)</i> , 665 F.3d 906 (7th Cir. 2011) – Seventh Circuit dismissed and remanded adversary for state law claims of improper medical patient disclosures in provider’s proof of claim; claim was arising in a title 11 case and therefore statutorily core; bankruptcy court did not have constitutional authority to adjudicate claims because claims involved private rights, did not flow from a federal regulatory scheme, did not stem from the bankruptcy itself because they were state law claims, and were not necessary to resolve claims allowance process; no implied consent.	Expansive
Adv. Proceedings (Non-Avoidance Actions)	7th N.D. Ill. Kendall	Dec. 16, 2011	<i>Southern Elec. Coil, LLC v. FirstMerit Bank, N.A.</i> , No. 11 C 6135, 2011 U.S. Dist. LEXIS 144832, 2011 WL 6318963 (N.D. Ill. Dec. 16, 2011) – district court denied defendant’s motion to withdraw reference; <i>Stern</i> explicitly stated that the question presented was narrow applying to certain claims; <i>Stern</i> court did not rule directly on whether § 157(b)(2)(O) was unconstitutional; <i>Stern</i> court stated in dicta that its ruling did not preclude a bankruptcy court from hearing counterclaims and proposing findings of fact.	Narrow

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	7th Bankr. N.D. Ill. Cox	Dec. 12, 2011	<i>Levey v. Hanson's Window &amp; Constr., Inc. (In re Republic Windows &amp; Doors, LLC)</i> , 460 B.R. 511 (Bankr. N.D. Ill. 2011) – bankruptcy court determined that various causes of action including state law claims and §§ 548 and 544 actions were “related to” actions because they had the potential of augmenting the estate; as such, the various causes of action were non-core matters and thus the bankruptcy court could submit proposed findings and conclusions of law to the district court under § 157(c)(1).	Expansive (though stated as Narrow)
Adv. Proceedings (Non-Avoidance Actions)	7th Bankr. N.D. Ill. Hollis	Sept. 29, 2011	<i>Szilagyi v. Chicago Am. Mfg., LLC (In re Lakewood Eng'g &amp; Mfg. Co. Inc.)</i> , 459 B.R. 306 (Bankr. N.D. Ill. 2011) – bankruptcy court entered final judgment on complaint asserting various state and federal law claims; the complaint concern issues related to rejection of the agreement that was the subject of the dispute; defendant filed proof of claim, but unlike in <i>Stern</i> , the bankruptcy court was not ruling on counterclaim.	Narrow
Adv. Proceedings (Non-Avoidance Actions)	7th Bankr. E.D. Wis. Kelley	Sept. 27, 2011	<i>In re Pro-Pac, Inc.</i> , 456 B.R. 894 (Bankr. E.D. Wis. 2011) – bankruptcy court adjudicated state law claims involving breach of fiduciary duty on express consent of defendants; <i>Stern</i> confirms that the bankruptcy court has the authority to render final judgments even in non-core proceedings with the consent of the parties.	Narrow
Adv. Proceedings (Non-Avoidance Actions)	8th D. Neb. Zwart	Jan. 17, 2012	<i>Badami v. Sears Cattle Co. (In re AFY, Inc.)</i> , Case No. 8:11CV288, 2012 U.S. Dist. LEXIS 4846 (D. Neb. Jan. 17, 2012) – magistrate rejected defendant’s <i>Stern</i> and jury trial arguments and certified the bankruptcy court’s proposed findings of fact and conclusions of law for <i>de novo</i> review by the district court; bankruptcy court tried case and ruled for plaintiff-trustee but revised order to be proposed findings of fact and conclusions of law in light of <i>Stern</i> to which the defendant failed to object; briefing required on defendant’s request for stay of case pending the determination of an appeal in another case because it was unclear how the outcome of that case would impact this case.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	8th B.A.P. Kressel, Schermer, Venters	Jan. 13, 2012	<i>Badami v. Sears (In re AFY, Inc.)</i> , 461 B.R. 541 (B.A.P. 8th Cir. 2012) – bankruptcy appellate panel determined that bankruptcy court could enter proposed findings of fact and conclusions of law on state law cause of action that fell within the court’s “related to” jurisdiction; defendant’s argument that bankruptcy court lacked jurisdiction was a misunderstanding of <i>Stern</i> ; determined to “take the Supreme Court at its word” that the <i>Stern</i> holding was narrow.	Narrow
Adv. Proceedings (Non-Avoidance Actions)	9th W.D. Wash. Pechman	May 21, 2012	<i>Pac. Int’l Grout Co. v. Pac. Int’l Grout Co. (In re Vladimirovna)</i> , Case No. C12-778, 2012 WL 1865701 (W.D. Wash. May 21, 2012) – district court withdrew reference on adversary proceeding on dischargeability that also involved state law counterclaims from debtor; state law counterclaims were in no way derived from or dependent upon bankruptcy law; judicial efficiency warranted withdrawal of reference.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	9th W.D. Wash. Zilly	Apr. 30, 2012	<i>Olivie Dev. Grp. LLC v. Ki Chang Park</i> , Case No. C11-1691Z, 2012 WL 1536207 (W.D. Wash. Apr. 30, 2012) – district court affirmed bankruptcy court orders regarding whether certain assets were property of the estate; a bankruptcy court’s finding regarding the parties’ interests in property is necessarily a function of determining what constitutes property of the estate.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	9th D. Ariz. Snow	Apr. 2, 2012	<i>Wells Fargo Bank v. Madan (In re AJ Town Centre, L.L.C.)</i> , Case No. 11-2061, 2012 WL 1106747 (D. Ariz. Ap. 2, 2012) – district court denied motion to withdraw reference on adversary proceeding alleging various state law claims; bankruptcy court could not statutorily enter final order on matters solely “related to,” but that does not prevent the bankruptcy court from submitting proposed findings of fact and conclusion of law; Supreme Court emphasized in <i>Stern</i> that its holding was narrow.	Narrow

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	9th Bankr. E.D. Wash. Rossmeissl	Mar. 23, 2012	<i>Bays &amp; The Linjericks Society v. Bays (In re Bays)</i> , Adv. No. A03-00237, 2012 WL 996949 (Bankr. E.D. Wash. Mar. 23, 2012) – bankruptcy court determined it had constitutional authority to enter order on trustee’s quiet title action; <i>Stern</i> is inapplicable because the matter was core under § 157(b)(2)(A),(K), and (O); bankruptcy court has <i>in rem</i> jurisdiction over assets of the bankruptcy estate.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	9th S.D. Cal. Lorenz	Mar. 20, 2012	<i>Midway Venture, LLC v. Gladstone (In re Pacers, Inc.)</i> , Adv. No. 10-90527, 2012 WL 947956 (S.D. Cal. Mar. 20, 2012) – district court withdrew the reference on adversary proceeding for misrepresentation and implied equitable indemnity; remedy sought by plaintiff is legal in nature; defendant had jury trial right; plaintiff did not waive jury trial right and did not otherwise consent to a jury trial in the bankruptcy court, and therefore the plaintiff is entitled to a jury trial in the district court.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	9th C.D. Cal. Walter	Mar. 8, 2012	<i>Neilson v. Entm’t One, Ltd. (In re Death Row Records, Inc.)</i> , Case No. CV 12-1192, 2012 WL 1033350 (C.D. Cal. Mar. 8, 2012) – district court denied motion to withdraw the reference on various state law claims including breach of contract, turnover, and accounting; defendant demanded jury trial, but two years ago had consented to the bankruptcy court conducting the jury trial; there is no absolute individual right to have a claim adjudicated in an Article III court, and as such, the right is subject to waiver; <i>Stern</i> does not affect the parties ability to consent to a non-Article III judge exercising Article III powers including conducting a jury trial and entering a final judgment in the adversary proceeding; defendant cannot withdraw prior consent.	Narrow

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	9th D. Mont. Molloy	Mar. 5, 2012	<i>Blixseth v. Brown (In re Blixseth)</i> , --- F. Supp. 2d ---, Case No. 11-85-M-DWM, 2012 U.S. Dist. LEXIS 28318, 2012 WL 691598 (D. Mont. Mar. 5, 2012) – district court dismissed state law causes of action under <i>Barton</i> doctrine; plaintiffs did not seek leave from bankruptcy court to sue bankruptcy trustee and thus any other court lacks subject matter jurisdiction (even if district court); under <i>Stern</i> , bankruptcy court cannot issue final judgments on core, common-law or state-law claims, but it can issue proposed findings of fact and conclusions of law.	Narrow
Adv. Proceedings (Non-Avoidance Actions)	9th D. Haw. Kobayashi	Feb. 27, 2012	<i>Field v. RNI-NV Ltd. P’ship (In re Maui Indus. Loan &amp; Fin. Co.)</i> , Civ. No. 11-00364, 2012 U.S. Dist. LEXIS 24762, 2012 WL 667759 (D. Haw. Feb. 27, 2012) – district court denied motion for reconsideration of prior order dismissing appeal for lack of jurisdiction without addressing appellant’s <i>Stern</i> arguments; appellant’s argument that the bankruptcy court had no authority to enter final judgment in adversary was not properly before the district court because the district court did not have jurisdiction to consider the appeal.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	9th B.A.P. 9th Cir. Pappas, Hollowell, Perris	Feb. 8, 2012	<i>Cirtran Corp. v. Advanced Beauty Solutions, LLC (In re Advanced Beauty Solutions, LLC)</i> , Case No. 11-1183, 2012 Bankr. LEXIS 666, 2012 WL 603692 (B.A.P. 9th Cir. Feb. 8, 2012) – BAP affirmed entry of default judgment in action for breach of asset purchase agreement; <i>Stern</i> ’s holding was narrow; declined to decide whether <i>Stern</i> affected the bankruptcy court’s subject matter jurisdiction; appeal was an impermissible collateral attack on a final judgment.	Narrow
Adv. Proceedings (Non-Avoidance Actions)	9th S.D. Cal. Lorenz	Jan. 31, 2012	<i>Salazar v. U.S. Bank, N.A. (In re Salazar)</i> , Adv. No. 11-90441, 2012 WL 280759 (S.D. Cal. Jan. 31, 2012) – district court granted motion to withdraw the reference on state law claims challenging the foreclosure of real property; most efficient use of judicial resources supported withdrawal; debtor’s claims were non-core and therefore the bankruptcy court could not enter final judgment; like <i>Stern</i> , the state law claims at issue did not draw from or rely upon bankruptcy law.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	9th D. Idaho Winmill	Dec. 14, 2011	<i>In re Byce</i> , No. 1:11-CV-00378, 2011 U.S. Dist. LEXIS 144115, 2011 WL 6210938 (D. Idaho Dec. 14, 2011) – district court denied motion to withdraw reference on various state law claims; movant’s filing of proof of claim related to breach of fiduciary duty and conversion claims triggered the allowance and disallowance of claims subjecting the movant to the bankruptcy court’s equitable power; bankruptcy court had constitutional authority to finally determine the movant’s claim, including state law issues arising within that claim; <i>Stern</i> did not hold that the bankruptcy court may not rule on state law issues when determining a proof of claim.	Narrow
Adv. Proceedings (Non-Avoidance Actions)	9th Bankr. W.D. Wash. Overstreet	Oct. 26, 2011	<i>In re Reinke</i> , Adv. No. 09-01541, 2011 Bankr. LEXIS 4142 (Bankr. W.D. Wash. Oct. 26, 2011) – bankruptcy court entered final judgment on state law claims; defendant gave oral consent to bankruptcy court’s entry of a final judgment on all claims and thus <i>Stern</i> not implicated.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	9th Bankr. D. Haw. Faris	Oct. 18, 2011	<i>Hawaii Nat’l Bancshares, Inc. v. Sunra Coffee LLC (In re Sunra Coffee LLC)</i> , Adv. No. 10-90009, 2011 Bankr. LEXIS 4047 (Bankr. D. Haw. Oct. 18, 2011) – bankruptcy court entered findings of fact and conclusions of law on exempt status of judgment debtor’s assets; defendant impliedly consented to bankruptcy court adjudication because defendant had the opportunity and obligation to respond to notice of removal but did not, and defendant requested an evidentiary hearing.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	9th E.D. Cal. Mueller	Sept. 26, 2011	<i>Turturici v. Nat’l Mortgage Serv., LP</i> , No. CIV S–10–2853 KJM, 2011 U.S. Dist. LEXIS 109242 (E.D. Cal. Sept. 26, 2011) – district court affirmed bankruptcy court’s decision to abstain from adversary proceeding seeking to set aside prepetition foreclosure sale; <i>Stern</i> has potentially enormous implications for bankruptcy courts and litigation in the federal courts; unlike in <i>Stern</i> , bankruptcy court abstained.	Cautionary



**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	10th Bankr. D.N.M. Jacobvitz	May 24, 2012	<i>Vencil v. Spain (In re Spain)</i> , Adv. No. 11-1069, 2012 WL 1899234 (Bankr. D.N.M. May 24, 2012) – bankruptcy court determined that <i>Stern</i> was in applicable on motion to dismiss adversary proceeding involving state law claims; <i>Stern</i> did not hold that a bankruptcy court may never hear and determine state law claims; adversary proceeding dismissed on other grounds.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	10th Bankr. D. Kan. Nugent	Mar. 29, 2012	<i>Parks v. Consumer Law Assoc., LLC (In re Lewis)</i> , Adv. No. 10-5098, 2012 WL 1073126 (Bankr. D. Kan. Mar. 29, 2012) – bankruptcy court determined it did not have constitutional authority to determine state law claims for accounting, turnover, unconscionable acts, and disgorgement of fees; these claims involve adjudication of private rights and are not intrinsic to the bankruptcy process.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	10th Bankr. D. Colo. Brown	Nov. 14, 2011	<i>Hertzler v. Hoopes (In re Hoopes)</i> , Adv. No. 11-01477, 2011 Bankr. LEXIS 4442 (Bankr. D. Colo. Nov. 14, 2011) – bankruptcy court denied motions to dismiss; bankruptcy court was required to adjudicate state law claims to determine nondischargeability action; Supreme Court itself recognized <i>Stern's</i> limited holding.	Narrow
Adv. Proceedings (Non-Avoidance Actions)	10th Bankr. D. Colo. Romero	Sept. 23, 2011	<i>In re Blakely</i> , No. 11–13674 MER, 2011 Bankr. LEXIS 3646 (Bankr. D. Colo. Sept. 23, 2011) – bankruptcy court, in dicta, determined that state law issues may not be within a bankruptcy court’s jurisdiction post- <i>Stern</i> ; testator’s intent in his will is more properly before a probate court; bankruptcy court’s jurisdiction was limited to determining whether the debtor’s interest in the will was property of the estate.	Cautionary
Adv. Proceedings (Non-Avoidance Actions)	10th Bankr. D. Colo. Romero	Sept. 9, 2011	<i>In re Howarth</i> , No. 10-36974, 2011 Bankr. LEXIS 3445 (Bankr. D. Colo. Sept. 9, 2011) – bankruptcy court determined that the matters before it were neither core or “related to”; court previously ruled that the property at issue was not property of the estate.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	11th M.D. Fla. Merryday	Apr. 20, 2012	<i>Hunt Constr. Grp., Inc. v. Elec. Mach. Enter., Inc. (In re Elec. Mach. Enter., Inc.)</i> , --- F. Supp. 2d ---, 2012 WL 1889721 (M.D. Fla. Apr. 20, 2012) – district court vacated bankruptcy judgment awarding money damages to debtor in action for breach of contract and stay violation; bankruptcy court erred by entering final judgment in action containing core and non-matters; the prospect that if a separation of core and non-core jurisdiction is not possible that the non-core jurisdiction must yield to the core jurisdiction is highly unpersuasive.	Cautionary
Adv. Proceedings (Non-Avoidance Actions)	11th S.D. Fla. Marra	Feb. 13, 2012	<i>Sundale Ltd. v. Fla. Assoc. Cap. Enter., LLC</i> , Case No. 11-20635, 2012 U.S. Dist. LEXIS 17895, 2012 WL 488110 (S.D. Fla. Feb. 13, 2012) – district court determined that the bankruptcy court had constitutional authority to enter final judgments on claims of extent, validity, and priority of liens even though defendant filed counterclaim based on state law recoupment; all claims and counterclaims were necessary to be adjudicated to resolve proofs of claim; Supreme Court made clear that it did not intend its decision in <i>Stern</i> to have broad implications.	Narrow
Adv. Proceedings (Non-Avoidance Actions)	11th M.D. Ga. Treadwell	Jan. 4, 2012	<i>RES-GA Four LLC v. Avalon Builders of GA LLC</i> , Case No. 5:10-cv-463, 2012 U.S. Dist. LEXIS 485, 2012 WL 13544 (M.D. Ga. Jan. 4, 2012) – district court referred proceeding because the bankruptcy court had subject matter jurisdiction; plaintiff sufficiently pled relatedness between the district court proceedings and the bankruptcy action; consistent with <i>Stern</i> jurisprudence, district court concluded that bankruptcy courts have authority to hear and submit proposed findings of fact and conclusions of law in proceedings related to title 11 cases, regardless of whether they are classified as core or non-core.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Adv. Proceedings (Non-Avoidance Actions)	11th Bankr. N.D. Ala. Robinson	Nov. 29, 2011	<i>Quality Prop. v. Pine Apple Conveyor Serv., Inc. (In re Quality Prop., LLC)</i> , Adv. No. 10-40132, 2011 Bankr. LEXIS 4872, 2011 WL 6161010 (Bankr. N.D. Ala. Nov. 29, 2011) – bankruptcy court denied motions for abstention related to validity, extent, and priority of various mechanics’ liens and mortgage; proceedings fell within public rights exception; bankruptcy court has jurisdiction over estate property and must make equitable distribution of that property among creditors; bankruptcy court cannot perform those functions without first determining whether to allow or disallow claims.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	11th S.D. Fla. Scola	Nov. 28, 2011	<i>Stettin v. Gibraltar Private Bank &amp; Trust Co. (In re Rothstein Rosenfeldt Adler P.A.)</i> , Case No. 11-60748, 2011 WL 7413914 (S.D. Fla. Nov. 28, 2011) – district court withdrew the reference for purposes of trial and any case dispositive motions based on uncertainty of the reach of <i>Stern</i> ; all case dispositive motions, however, were referred to the bankruptcy court for proposed findings of fact and conclusions of law.	Neutral
Adv. Proceedings (Non-Avoidance Actions)	11th Bankr. S.D. Fla. Isicoff	Nov. 23, 2011	<i>Bankunited Fin. Corp. v. Fed. Dep. Ins. Corp. (In re Bankunited Fin. Corp.)</i> , Adv. No. 10-02872, 2011 Bankr. LEXIS 4531 (Bankr. S.D. Fla. Nov. 23, 2011) – bankruptcy court entered summary judgment determining whether tax refunds were property of the estate; what is or is not property of a bankruptcy estate is an issue that stems from the bankruptcy itself (“arising in”); resolution of tax refunds analyzing state law was necessary to determine proofs of claim filed by defendant.	Narrow
Adv. Proceedings (Non-Avoidance Actions)	D.C. Cir. Bankr. D.D.C. Teel	Oct. 4, 2011	<i>Adams Nat’l Bank v. GB Herdon and Assocs., Inc. (In re GB Herdon and Assocs., Inc.)</i> , 459 B.R. 148 (Bankr. D.D.C. 2011) – bankruptcy court entered judgment in favor of defendant on removed state law action prior to <i>Stern</i> and debtor moved to reconsider; bankruptcy court denied motion because unlike in <i>Stern</i> where the non-debtor party did not consent to the counterclaim, the debtor removed the state court action and thus consented the bankruptcy court adjudication under 28 U.S.C. § 157(c)(2) or waived its right to Article III judicial determination.	Narrow

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Consent	1st Bankr. D. Mass. Bailey	Mar. 30, 2012	<i>Miller v. Grosso (In re Miller)</i> , 467 B.R. 677 (Bankr. D. Mass. 2012) – bankruptcy court would not allow litigants to withdraw express consent as to non-core matters; no conduct of litigant evinced consent to core matters (fraudulent conveyance action) that the bankruptcy court may not have constitutional authority to determine under <i>Stern</i> .	Neutral
Consent	2nd S.D.N.Y. Crotty	Jan. 30, 2012	<i>Adelphia Recovery Trust v. FLP Grp., Inc. (In re Adelphia Commc'n Corp.)</i> , 11 Civ. 6847, 2012 U.S. Dist. LEXIS 10804 (S.D.N.Y. Jan. 30, 2012) – district court denied motion to withdraw the reference of §§ 544 and 550 proceedings; bankruptcy court lacked constitutional authority to enter final judgment on § 544 claim because the claim is a private right, would not necessarily be decided in ruling on a proof of claim, and the defendant did not knowingly consent; bankruptcy court could propose findings of fact and conclusions of law.	Expansive
Consent	2nd Bankr. E.D.N.Y. Rosenthal	Oct. 6, 2011	<i>Citron v. Harriet Citron (In re Citron)</i> , Adv. No. 09-8125-jbr, 2011 Bankr. LEXIS 3934 (Bankr. E.D.N.Y. Oct. 6, 2011) – bankruptcy court denied motion to dismiss complaint; debtor-plaintiff filed various avoidance actions against defendant who did not file a proof of claim but did counterclaim seeking setoff; unlike the counterclaim in <i>Stern</i> , the defendant's counterclaim was not independent of the Bankruptcy Code and relied upon a finding of liability pursuant to plaintiff's bankruptcy claims; defendant had consented to bankruptcy court adjudication pre- <i>Stern</i> .	Narrow

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Consent	2nd S.D.N.Y. McMahon	Sept. 23, 2011	<i>Retired Partners of Coudert Bros. Trust v. Baker McKenzie LLP (In re Coudert Bros. LLP)</i> , App. Case No. 11-2785 (CM), 2011 U.S. Dist. LEXIS 110425 (S.D.N.Y. Sept. 23, 2011) – district court vacated bankruptcy court rulings on state law claims and converted the ruling to a report and recommendation; claims were “related to” and parties did not consent to bankruptcy court adjudication merely by participating in litigation; whether a bankruptcy court can finally adjudicate a matter post- <i>Stern</i> depends on whether the claim to be adjudicated involves a “public” or “private” right; <i>Stern</i> says nothing about the district court’s authority to hear and determine “related to” matters.	Expansive
Consent	3rd Bankr. W.D. Pa. Deller	May 21, 2012	<i>Stewart v. JPMorgan Chase Bank, N.A. (In re Stewart)</i> , --- B.R. ---, Adv. No. 10-2654, 2012 WL 1850627 (Bankr. W.D. Pa. May 21, 2012) – bankruptcy court dismissed various actions based on jurisdictional bar under FIRREA; defendant’s filing of proof of claim in debtor’s bankruptcy was not consent such that it created subject-matter jurisdiction.	Neutral
Consent	3rd Bankr. W.D. Pa. Agresti	Apr. 30, 2012	<i>Falck Prop., LLC v. Parkvale Fin. Corp. (In re Brownsville Prop. Corp., Inc.)</i> , --- B.R. ---, Adv. No. 12-2054, 2012 WL 1508009 (Bankr. W.D. Pa. Apr. 30, 2012) – bankruptcy court denied motion to remand removed action for breach of contract and unjust enrichment; parties implicitly consented to bankruptcy court adjudication by extensively litigating process involving property (the subject of the litigation) and not raising any objection to the court’s retention of authority to adjudicate disputes arising from failed sale.	Neutral
Consent	3rd Bankr. W.D. Pa. Böhm	Apr. 19, 2012	<i>Ryckman v. Ryckman</i> , 468 B.R. 754 (Bankr. W.D. Pa. 2012) – bankruptcy court determined it had constitutional authority to hear and determined dischargeability action as well as underlying tort; plaintiffs consented to bankruptcy court determination because they commenced the adversary, acknowledged the bankruptcy court’s authority to enter final judgment as to nondischargeability, did not request relief from the stay to have the state court determine liability or seek to withdraw the reference.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Consent	3rd Bankr. W.D. Pa. Deller	Mar. 30, 2012	<i>Ardi Ltd. P'ship v. River Entm't Co. (In re River Entm't Co.)</i> , 467 B.R. 808 (Bankr. W.D. Pa. 2012) – bankruptcy court determined it had constitutional authority to decide state law conversion claim which depended on interpretation of prior consent order; <i>Stern</i> did not affect parties' ability to consent to bankruptcy court adjudication; Supreme Court has consistently upheld a litigant's ability to waive personal right to Article III adjudication; consent can be implied from the action or inaction of the parties to the proceeding.	Narrow
Consent	3rd Bankr. W.D. Pa. Markovitz	Feb. 29, 2012	<i>Bohm v. Titus (In re Titus)</i> , 467 B.R. 592 (Bankr. W.D. Pa. 2012) – bankruptcy court entered final judgment on fraudulent transfer action and in the alternative proposed findings of fact and conclusions of law; court agrees with those courts that construe <i>Stern</i> narrowly and hold that, notwithstanding <i>Stern</i> , a bankruptcy court possesses the constitutional authority to enter a final decision regarding a fraudulent transfer action brought pursuant to state law under § 544(b)(1); debtor arguably consented to entry of final judgment by bankruptcy court where debtor removed state court fraudulent transfer action to the bankruptcy court.	Narrow
Consent	5th 5th Cir. King, Jolly, Wiener	Mar. 5, 2012	<i>Technical Automation Serv. Corp. v. Erty Surplus Ins. Corp.</i> , 673 F.3d 399 (5th Cir. 2012) – Fifth Circuit <i>sua sponte</i> requested briefing on the impact of <i>Stern v. Marshall</i> on appeal from magistrate decision in which parties had consented to adjudication under 28 U.S.C. § 636(c); previous panel (as well as nearly every circuit) had determined that the magistrate consent statute was constitutional; for Supreme Court's decision to change the circuit's law, the decision must unequivocally overrule prior precedent; Supreme Court repeatedly emphasized that <i>Stern</i> had very limited application.	Narrow

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Consent	5th Bankr. N.D. Tex. Houser	Oct. 3, 2011	<i>Faulkner v. Kornman, et al. (In re Heritage Org., L.L.C.)</i> , Adv. No. 06-3377, 2011 Bankr. LEXIS 3832 (Bankr. N.D. Tex. Oct. 3, 2011) – bankruptcy court denied motion to vacate final judgment entered years prior to the motion; even if <i>Stern</i> were a problem, defendants consented to the bankruptcy court’s exercise of jurisdiction and entry of a final judgment.	Neutral
Consent	5th Bankr. N.D. Miss. Houston	Sept. 13, 2011	<i>In re Oxford Expositions, LLC</i> , Adv. No. 11-01095, 2011 Bankr. LEXIS 3490 (Bankr. N.D. Miss. Sept. 13, 2011) – <i>Stern</i> does not prevent bankruptcy court from entering a final judgment on a state law counterclaim with parties’ consent; consent in “related to” matters should be no less effective than contractual arbitration agreements; as to causes of action involving non-debtor parties, absent consent, the court lacked authority to enter a final order or judgment.	Narrow
Consent	7th Bankr. N.D. Ill. Schmetterer	Dec. 2, 2011	<i>Paloian v. LaSalle Bank Nat’l A’ssn (In re Doctors Hospital of Hyde Park, Inc.)</i> , 463 B.R. 93 (Bankr. N.D. Ill. 2011) – on post-trial remand from 7th Circuit, bankruptcy court requested <i>Stern</i> briefing from parties in adversary proceeding for avoidance actions; proceedings constituted a “related to” matter in which the parties could consent to entry of judgment by an Article I judge, but both parties did not consent; bankruptcy court may deny summary judgment because ultimate judgment is left to the district court, but bankruptcy court cannot not grant summary judgment.	Cautionary
Consent	7th Bankr. E.D. Wis. Kelley	Sept. 27, 2011	<i>In re Pro-Pac, Inc.</i> , 456 B.R. 894 (Bankr. E.D. Wis. 2011) – bankruptcy court adjudicated state law claims involving breach of fiduciary duty on express consent of defendants; <i>Stern</i> confirms that the bankruptcy court has the authority to render final judgments even in non-core proceedings with the consent of the parties.	Narrow

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

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Consent	9th C.D. Cal. Walter	Mar. 8, 2012	<i>Neilson v. Entm't One, Ltd. (In re Death Row Records, Inc.)</i> , Case No. CV 12-1192, 2012 WL 1033350 (C.D. Cal. Mar. 8, 2012) – district court denied motion to withdraw the reference on various state law claims including breach of contract, turnover, and accounting; defendant demanded jury trial, but two years ago had consented to the bankruptcy court conducting the jury trial; there is no absolute individual right to have a claim adjudicated in an Article III court, and as such, the right is subject to waiver; <i>Stern</i> does not affect the parties ability to consent to a non-Article III judge exercising Article III powers including conducting a jury trial and entering a final judgment in the adversary proceeding; defendant cannot withdraw prior consent.	Narrow
Consent	9th Bankr. D. Haw. Faris	Oct. 18, 2011	<i>Hawaii Nat'l Bancshares, Inc. v. Sunra Coffee LLC (In re Sunra Coffee LLC)</i> , Adv. No. 10-90009, 2011 Bankr. LEXIS 4047 (Bankr. D. Haw. Oct. 18, 2011) – bankruptcy court entered findings of fact and conclusions of law on exempt status of judgment debtor's assets; defendant impliedly consented to bankruptcy court adjudication because defendant had the opportunity and obligation to respond to notice of removal but did not, and defendant requested an evidentiary hearing.	Neutral
Consent	10th D. Colo. Martínez	Oct. 31, 2011	<i>Mercury Co., Inc. v. FNF Sec. Acquisition, Inc.</i> , 460 B.R. 778 (D. Colo. 2011) – district court denied motion to withdraw the reference on fraudulent transfer actions; parties consented to bankruptcy court adjudication by litigating the action in bankruptcy court for 19 months and admitting in pre- <i>Stern</i> pleadings that the fraudulent transfer actions were “core”; <i>Stern</i> “was explicitly narrow.”	Narrow
Consent	11th Bankr. S.D. Fla. Hyman	Dec. 5, 2011	<i>Menotee v. United States (In re Custom Contractors, LLC)</i> , 462 B.R. 901 (Bankr. S.D. Fla. 2011) – bankruptcy court overruled IRS's objection to the bankruptcy court's entry of a final order in §§ 544 and 548 actions; fraudulent conveyance actions stem from the bankruptcy itself; <i>Granfinanciera</i> and <i>Stern</i> were narrow decisions; IRS consented to adjudication based on conduct during litigation.	Narrow



**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Consent	D.C. Cir. Bankr. D.D.C. Teel	Oct. 4, 2011	<i>Adams Nat'l Bank v. GB Herdon and Assocs., Inc. (In re GB Herdon and Assocs., Inc.)</i> , 459 B.R. 148 (Bankr. D.D.C. 2011) – bankruptcy court entered judgment in favor of defendant on removed state law action prior to <i>Stern</i> and debtor moved to reconsider; bankruptcy court denied motion because unlike in <i>Stern</i> where the non-debtor party did not consent to the counterclaim, the debtor removed the state court action and thus consented the bankruptcy court adjudication under 28 U.S.C. § 157(c)(2) or waived its right to Article III judicial determination.	Narrow
Contested Matters	2nd 2nd Cir. Walker, Straub, Livingston	Apr. 10, 2012	<i>Quigley Co. v. Law Offices of Peter G. Angelos (In re Quigley Co., Inc.)</i> , 676 F.3d 45 (2d Cir. 2012) – Second Circuit determined that the bankruptcy court had jurisdiction and constitutional authority to issue injunction over asbestos-related suits pursuant to § 524(g); whatever <i>Stern's</i> concise contours, <i>Stern</i> has no application here; enjoining litigation to protect bankruptcy estates during the pendency of bankruptcy proceedings, unlike the entry of the final tort judgment at issue in <i>Stern</i> , has historically been the province of the bankruptcy courts.	Neutral
Contested Matters	2nd Bankr. S.D.N.Y. Lane	Feb. 10, 2012	<i>In re The Containership Co.</i> , 466 B.R. 219 (Bankr. S.D.N.Y. 2012) – bankruptcy court denied motion to lift stay to file complaints before the Federal Maritime Commission; argument that bankruptcy court lacked jurisdiction to render final judgment in adversary proceeding was premature and not before the court; in any event the bankruptcy court would have the power to submit proposed findings and conclusions of law to the district court.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Contested Matters	2nd S.D.N.Y. Seibel	Jan. 30, 2012	<i>In re The Great Atlantic &amp; Pacific Tea Co., Inc.</i> , 2012 U.S. Dist. LEXIS 10806 (S.D.N.Y. Jan. 30, 2012) – district court affirmed bankruptcy court’s denial of stay motion to file state law suit; bankruptcy court had constitutional authority under <i>Stern</i> because potential claims flowed from rejection of contract such that they were “core” and arose in the bankruptcy case and related to matters concerning administration of the estate; alternatively, bankruptcy court could propose findings of fact and conclusions of law.	Neutral
Contested Matters	2nd S.D.N.Y. Buchwald	Dec. 29, 2011	<i>Police &amp; Fire Ret. Sys. of the City of Detroit v. Ambac Fin. Grp., Inc. (In re Ambac Fin. Grp., Inc.)</i> , No. 11 Civ. 7529, 2011 WL 6844533 (S.D.N.Y. Dec. 29, 2011) – district court affirmed bankruptcy court order granting 9019 motion; court rejected argument that <i>Stern</i> affects a bankruptcy court’s authority to approve settlements relating to property of the estate under 9019; <i>Stern</i> only affects a bankruptcy court’s authority to enter final, binding judgments as opposed to the court’s settlement of that claim.	Neutral
Contested Matters	2nd Bankr. S.D.N.Y. Chapman	Sept. 23, 2011	<i>In re Ambac Fin. Grp., Inc.</i> , 457 B.R. 299 (Bankr. S.D.N.Y. 2011) – bankruptcy court entered an order on a 9019 motion to approve settlement of shareholder derivative claims; debtor was not asking the bankruptcy court to hear and adjudicate the claims; <i>Stern</i> has become the mantra of every litigant who would rather be elsewhere.	Narrow
Contested Matters	3rd Bankr. D. Del. Sontchi	Dec. 20, 2011	<i>Burtch v. Huston (In re USDigital, Inc.)</i> , 461 B.R. 276 (Bankr. D. Del. 2011) – bankruptcy court determined that equitable subordination claims were core proceedings; court must determine whether action is statutorily core under § 157 and if so determine whether the matter arises under title 11 or arises in a title 11 case; a broad reading of <i>Stern</i> is contrary to the letter and the spirit of the Supreme Court’s holding; expanding the reach of the <i>Stern</i> opinion would do violence to its plain meaning.	Narrow

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Contested Matters	3rd Bankr. D. Del. Gross	Nov. 2, 2011	<i>Moore v. Paladini (In re CD Liquidation Co., LLC)</i> , 462 B.R. 124 (Bankr. D. Del. 2011) – bankruptcy court issued preliminary injunction enforcing its confirmation order; Supreme Court urged a narrow reading of <i>Stern</i> ; no state law counterclaims in this matter.	Narrow
Contested Matters	3rd Bankr. D. Del. Walrath	Sept. 13, 2011	<i>In re Wash. Mut., Inc.</i> , 461 B.R. 200 (Bankr. D. Del. 2011) – bankruptcy court determined that it had jurisdiction over plan confirmation that included settlement of state law claims under Rule 9019; confirmation is a core proceeding; approval of settlement is not adjudication of underlying claim; bankruptcy court has jurisdiction to decide whether disputed property is, in fact, property of the estate.	Narrow
Contested Matters	4th Bankr. D. Md. Keir	Feb. 22, 2012	<i>Credit Suisse Sec. (USA), LLC v. TMST, Inc. (In re TMST, Inc.)</i> , No. 09-00574, 2012 Bankr. LEXIS 620, 2012 WL 589572 (Bankr. D. Md. Feb. 22, 2012) – bankruptcy court issued final order determining the allocation of proceeds and extent of secured creditor’s lien on the proceeds from a sale of estate assets; question as to the existence and extent of lien is a decision of the question as to which claimants hold rights to distributions from funds the trustee now holds as part of the bankruptcy estate; under prior statutory and traditional English bankruptcy practice, “summary” power existed in non-article III judicial officers to make such determinations.	Neutral
Contested Matters	5th Bankr. S.D. Tex. Bohm	Mar. 9, 23012	<i>Williams v. Laughlin (In re Laughlin)</i> , Adv. No. 09-03451, 2012 WL 1014754 (Bankr. S.D. Tex. Mar. 23, 2012) – bankruptcy court determined it had constitutional authority to rule on dischargeability action; even if <i>Stern</i> applies, this matter falls within the “public rights” exception; determination of this matter is inextricably tied to bankruptcy scheme and involves adjudication of rights created by the Bankruptcy Code.	Neutral
Contested Matters	5th Bankr. S.D. Tex. Bohm	Mar. 13, 2012	<i>In re Thalmann</i> , No. 11-36862, 2012 WL 864600 (Bankr. S.D. Tex. Mar. 13, 2012) – bankruptcy court determined that it had constitutional authority over motion to dismiss chapter 13 case and objection to proof of claim.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Contested Matters	5th Bankr. S.D. Tex. Bohm	Mar. 9, 2012	<i>In re Carlew</i> , Case No. 11-37886, 2012 WL 826893 (Bankr. S.D. Tex. Mar. 9, 2012) – bankruptcy court determined it had constitutional authority to rule on exemption issue even though resolution of the dispute hinged on Texas state law regarding homestead; even if <i>Stern</i> applies, this matter falls within the “public rights” exception; determination of this matter is inextricably tied to bankruptcy scheme and involves adjudication of rights created by the Bankruptcy Code.	Neutral
Contested Matter	5th E.D. La. Zainey	Jan. 23, 2012	<i>S. La. Ethanol, LLC v. CHS-SLE Land, LLC</i> , Civ. No. 11-2774, 2012 U.S. Dist. LEXIS 7870, 2012 WL 208828 (E.D. La. Jan. 23, 2012) – district court denied withdrawal of the reference; <i>Stern</i> does not impact withdrawal of the reference analysis.	Neutral
Contested Matters	5th Bankr. S.D. Tex. Bohm	Dec. 30, 2011	<i>In re Hill</i> , Case No. 08-36367, 2011 Bankr. LEXIS 5186, 2011 WL 6936357 (Bankr. S.D. Tex. Dec. 30, 2011) – bankruptcy court overruled chapter 13 trustee’s objection to exemptions; bankruptcy court had constitutional authority to sign a final order on the objection to exemptions because the resolution of the objection was governed solely by bankruptcy law; alternatively, even if <i>Stern</i> applies, bankruptcy court may enter a final order over essential bankruptcy matters under the “public rights” exception.	Neutral
Contested Matters	5th W.D. Tex. Sparks	Nov. 28, 2011	<i>Mahanna v. Bynum</i> , 465 B.R. 436 (W.D. Tex. 2011) – district court affirmed bankruptcy court order dismissing bankruptcy case; dismissal of a bankruptcy case is a “core” proceeding even though it is not listed in 28 U.S.C. § 157(b)(2); <i>Stern</i> considered the very different issue of whether a bankruptcy court could issue a final order regarding a state-law counterclaim.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

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Contested Matters	5th Bankr. S.D. Tex. Bohm	Nov. 21, 2011	<i>In re Whitley</i> , Case No. 08-60098, 2011 Bankr. LEXIS 4545 (Bankr. S.D. Tex. Nov. 21, 2011) – bankruptcy court held that <i>Stern</i> did not prevent it from adjudicating compensation issue related to attorney disclosures because the dispute was not based on state common law and was not a counterclaim or arising out of state law; alternatively, the public rights exception applied because the rights adjudicated were created by the Bankruptcy Court.	Neutral
Contested Matters	5th Bankr. S.D. Tex. Bohm	Nov. 21, 2011	<i>In re Gow Ming Chao</i> , No. 11-38131, 2011 Bankr. LEXIS 4543 (Bankr. S.D. Tex. Nov. 21, 2011) – bankruptcy court converted chapter 11 case to a chapter 7; no state law issues involved; conversion to preserve property of the estate and to maximize distribution to creditors fits within the “public rights” exception and therefore the bankruptcy court could enter a final order.	Neutral
Contested Matters	6th Bankr. W.D. Mich. Dales	Sept. 6, 2011	<i>Hagan v. Smith (In re Naughton)</i> , Adv. No. 11–80237, 2011 Bankr. LEXIS 3762 (Bankr. W.D. Mich. Sept. 6, 2011) – bankruptcy court submitted a report and recommendation on a Section 363 sale rather than enter an order; court and trustee were concerned about possible collateral attack on sale order in light of <i>Stern</i> .	Expansive
Contested Matters	6th Bankr. W.D. Mich. Dales	Nov. 2, 2011	<i>In re Borin</i> , 461 B.R. 719 (Bankr. W.D. Mich. 2011) – bankruptcy court entered final judgment on chapter 13 debtor’s claim objection; objection to claims was a core proceeding within the meaning of 11 U.S.C. § 157(b)(2)(B); <i>Stern</i> did not undermine the court’s authority to enter a final order on disputes integral to the restructuring of the debtor-creditor relationship.	Neutral
Contested Matters	7th 7th Cir. Posner, Wood, Tinder	Mar. 28, 2012	<i>In re USA Baby, Inc.</i> , 674 F.3d 882 (7th Cir. 2012) – Seventh Circuit stated that it could not fathom how <i>Stern v. Marshall</i> had any bearing on bankruptcy court order granting chapter 11 trustee’s motion to convert.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Contested Matters	7th N.D. Ill. Pallmeyer	Mar. 28, 2012	<i>Pusser's (2001) Ltd. v. HMX, LLC</i> , Case No. 11 C 4659, 2012 WL 1068756 (N.D. Ill. Mar. 28, 2012) – district court determined that <i>Stern</i> did not affect a bankruptcy court's subject matter jurisdiction to enter an order approving the sale of property under § 363.	Neutral
Contested Matters	7th Bankr. E.D. Wis. Kelley	Feb. 24, 2012	<i>In re Archdiocese of Milwaukee</i> , No. 11-20059, 2012 Bankr. LEXIS 708, 2012 WL 619190 (Bankr. E.D. Wis. Feb. 24, 2012) – bankruptcy court granted in part and denied in part debtor's motion for summary judgment on claim objections based on statute of limitations; allowance of proofs of claim falls within the court's core jurisdiction under 28 U.S.C. §§ 1334 and 157(b)(2)(B); allowance of claims was not deemed unconstitutional by the Supreme Court in <i>Stern</i> ; counsel for claimants, debtor, and creditors' committee all consented to entry of final order by the bankruptcy court.	Neutral
Contested Matters	9th Bankr. D. Mont. Kirscher	May 15, 2012	<i>S. Mont. Electric Generation and Transmission Coop., Inc.</i> , Case No. 11-62031, 2012 WL 173922 (Bankr. D. Mont. May 15, 2012) – bankruptcy court determined it had constitutional authority to rule on motion to modify stay to pursue state court litigation; courts have consistently held that <i>Stern</i> was not about jurisdiction, and therefore the bankruptcy court rejected argument that it did not have subject matter jurisdiction over state court litigation.	Neutral
Contested Matters	9th Bankr. E.D. Wash. Williams	Sept. 8, 2011	<i>In re LLS Am.</i> , No. 09-06194, 2011 Bankr. LEXIS 3429 (Bankr. E.D. Wash. Sept. 8, 2011) – bankruptcy court held that <i>Stern</i> did not prevent it from entering an order for substantive consolidation because it does not exist outside the context of a bankruptcy proceeding.	Narrow

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Contested Matters	9th Bankr. D. Mont. Peterson	Nov. 10, 2011	<p><i>Atigeo LLC v. Samson (In re Blixseth)</i>, Adv. No. 09-00105, 2011 Bankr. LEXIS 4390 (Bankr. D. Mont. Nov. 10, 2011) – bankruptcy court denied motion to reconsider 9019 order; movant argued that Stern prevented the court from dismissing its causes of action in adversary; defendant had waived and forfeited its right to challenge the court’s authority to decide claims asserted in the adversary proceeding.</p> <p>Note: This is not the same judge that wrote the decision in the <i>Blixseth</i> opinion found at 2011 Bankr. LEXIS 2953.</p>	Neutral
Contested Matters	10th Bankr. D.N.M. Jacobvitz	Feb. 17, 2012	<p><i>In re Cottonwood Corners Phase V, LLC</i>, Case No. 11-11-12663 JA, 2012 Bankr. LEXIS 550, 2012 WL 566426 (Bankr. D.N.M. Feb. 17, 2012) – bankruptcy court denied confirmation of debtor’s plan of reorganization without consideration of whether <i>Stern</i> affected the court’s ability to hear and determine certain state law issues raised in confirmation proceedings; plan confirmation was denied on other grounds.</p>	Neutral
Contested Matters	11th Bankr. S.D. Ga. Dalis	Apr. 10, 2012	<p><i>In re Sea Island Co.</i>, Case No 10-21034, 2012 WL 1499489 (Bankr. S.D. Ga. Apr. 10, 2012) – bankruptcy court determined that <i>Stern</i> did not prevent it from issuing a post-confirmation ruling on interpretation of liquidating trust agreement; matter was core under §§ 157(b)(2)(A) and (L).</p>	Neutral
Counterclaims	2nd D. Vt. Murtha	Mar. 6, 2012	<p><i>Trimco-Display, LLC v. Logic Supply, Inc.</i>, No. 1:09-cv-106, 2012 WL 733879 (D. Vt. Mar. 6, 2012) – district court determined that the bankruptcy court did not have constitutional authority to enter a final order on debtor’s counterclaims for various state law claims including breach of contract, fraudulent misrepresentation, and negligent misrepresentation; the counterclaims did not stem from the bankruptcy.</p>	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Counterclaims	2nd Bankr. E.D.N.Y. Rosenthal	Oct. 6, 2011	<i>Citron v. Harriet Citron (In re Citron)</i> , Adv. No. 09-8125-jbr, 2011 Bankr. LEXIS 3934 (Bankr. E.D.N.Y. Oct. 6, 2011) – bankruptcy court denied motion to dismiss complaint; debtor-plaintiff filed various avoidance actions against defendant who did not file a proof of claim but did counterclaim seeking setoff; unlike the counterclaim in <i>Stern</i> , the defendant’s counterclaim was not independent of the Bankruptcy Code and relied upon a finding of liability pursuant to plaintiff’s bankruptcy claims; defendant had consented to bankruptcy court adjudication pre- <i>Stern</i> .	Narrow
Counterclaims	3rd Bankr. M.D. Pa. Opel	May 3, 2012	<i>McElwee v. Scarff Bros., Inc. (In re McElwee)</i> , --- B.R. ---, Case No. 1-10-bk-02566, 2012 WL 1548264 (Bankr. M.D. Pa. May 3, 2012) – bankruptcy court determined it had constitutional authority to decide counterclaim in claim objection; claim and counterclaim were inextricably intertwined both factually and legally; resolution of the counterclaim was necessarily implicated in ruling on the allowability of the claim.	Neutral
Counterclaims	3rd Bankr. E.D. Pa. Raslavich	Feb. 9, 2012	<i>Berks Behavioral Health, LLC v. St. Joseph Reg’l Health Network (In re Berks Behavioral Health, LLC)</i> , 464 B.R. 684 (Bankr. E.D. Pa. 2012) – bankruptcy court denied motions to dismiss for lack of subject matter jurisdiction finding that the bankruptcy court had non-core, “related to” jurisdiction over breach of contract and turnover counterclaims; debtor’s counterclaim to defendant’s proof of claim did not give the court constitutional authority over the adversary because counterclaim went well beyond the claims asserted in proofs of claim and would not be adjudicated in a determination of the proofs of claim; court, however, did have non-core “related to” jurisdiction over the counterclaims.	Neutral



**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Counterclaims	3rd Bankr. M.D. Pa. France	Feb. 2, 2012	<i>Black, Davis &amp; Shue Agency, Inc. v. Frontier Ins. Co. in Rehab. (In re Black, Davis &amp; Shue Agency, Inc.)</i> , No. 1-11-ap-00160MDF, 2012 LEXIS 594, 2012 WL 360062 (Bankr. M.D. Pa. Feb. 2, 2012) – bankruptcy court granted in part and denied in part motion to dismiss claims for various state law claims; bankruptcy court had constitutional authority to enter a final judgment on various state law counterclaims that would necessarily be resolved in the claims allowance process; bankruptcy court lacked constitutional authority to render final judgment on debtor’s defamation claim because it was a discrete claim both factually and legally from creditor’s breach of contract claim and court would abstain from hearing the defamation claim.	Narrow
Counterclaims	4th S.D.S.C. Cain	Apr. 2, 2012	<i>Fort v. SunTrust Bank (In re Int’l Payment Grp., Inc.)</i> , Case No. 7:11-3363, 2012 WL 1107840 (S.D.S.C. Apr. 2, 2012) – district court denied motion to withdraw the reference on adversary proceeding involving various state-law counterclaims; <i>Stern</i> does not preclude the court from allowing the pretrial proceedings to be handled by the bankruptcy court.	Neutral
Counterclaims	4th Bankr. S.D.S.C. Burris	Nov. 3, 2011	<i>Fort v. SunTrust Bank (In re Int’l Payment Grp., Inc.)</i> , Adv. No. 10–80049–HB, 2011 Bankr. LEXIS 4269 (Bankr. S.D.S.C. Nov. 3, 2011) – bankruptcy court denied the defendant’s motion to dismiss adversary proceeding subject to a 14-day objection period to file a motion to withdraw the reference; plaintiff’s counterclaims were state-law based; like <i>Stern</i> , adjudicating counterclaims was not necessary to resolve proofs of claim.	Neutral
Counterclaims	5th Bankr. N.D. Miss. Houston	Sept. 13, 2011	<i>In re Oxford Expositions, LLC</i> , Adv. No. 11-01095, 2011 Bankr. LEXIS 3490 (Bankr. N.D. Miss. Sept. 13, 2011) – <i>Stern</i> does not prevent bankruptcy court from entering a final judgment on a state law counterclaim with parties’ consent; consent in “related to” matters should be no less effective than contractual arbitration agreements; as to causes of action involving non-debtor parties, absent consent, the court lacked authority to enter a final order or judgment.	Narrow

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

Subject	Circuit Court Judge	Decision Date	Case/Comment	Holding Type
Counterclaims	5th Bankr. E.D. Tex. Rhoades	Sept. 30, 2011	<i>In re Mandel</i> , No. 10-40219, 2011 Bankr. LEXIS 3829 (Bankr. E.D. Tex. Sept. 30, 2011) – the bankruptcy court lacked constitutional authority to determine state law counterclaims because under <i>Stern</i> , resolution of such counterclaims was not necessary for ruling on proofs of claim.	Neutral
Counterclaims	6th E.D. Ky. Thapar	Mar. 21, 2012	<i>Sergent v. McKinstry</i> , Civ. No. 11-129, 2012 WL 967056 (E.D. Ky. Mar. 12, 2012) – district court determined that bankruptcy court lacked constitutional authority to enter final orders on counterclaims for breach of fiduciary duty, gross negligence/willful misconduct, and mismanagement; counterclaims are statutorily core, but it would be unconstitutional for the bankruptcy court to enter final judgment on them; ruling on the defendants’ proofs of claims was not necessary to resolve counterclaims.	Neutral
Counterclaims	6th Bankr. E.D. Ky. Wise	Feb. 2, 2012	<i>Tolliver v. Bank of Am.</i> , 464 B.R. 720 (Bankr. E.D. Ky. 2012) – bankruptcy court determined it lacked constitutional authority to enter final orders on certain state law counterclaims since the claims would not necessarily be decided in resolving the debtor’s objection to the creditors’ claims but determined it did have constitutional authority over other state law counterclaims because the counterclaims would affect the allowability and amount of the creditors’ claim.	Narrow
Counterclaims	6th E.D. Mich. Ludington	Jan. 18, 2012	<i>Wolgast v. Richards</i> , 463 B.R. 445 (E.D. Mich. 2012) – district court held plaintiff’s Rule 11 motion in abeyance in light of fact that defendant’s motion for costs was stayed as a result of plaintiff’s chapter 13 filing; <i>Stern</i> was not implicated because plaintiff’s Rule 11 motion (moving to strike defendant’s motion for costs) only challenges the merits of defendant’s motion, rather than stating an independent claim for relief.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

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Counterclaims	7th N.D. Ill. Pallmeyer	Jan. 31, 2012	<i>Gecker v. Flynn (In re Emerald Casino, Inc.)</i> , Case No. 02 B 22977, 2012 U.S. Dist. LEXIS, 2012 WL 280724 (N.D. Ill. Jan. 31, 2012) – district court granted motion to withdraw the reference notwithstanding considerations of efficiency and familiarity favor leaving the case with the bankruptcy court; district court reasoned that, based on <i>Stern</i> , the bankruptcy court has no constitutional authority to enter final judgments in any traditional action seeking money damages for tort, breach of contract, or fiduciary duty under state law.	Neutral
Counterclaims	8th Bankr. N.D. Iowa Collins	Mar. 8, 2012	<i>City of Sioux City v. Civic Partners Sioux City, LLC (In re Civic Partners Sioux City, LLC)</i> , Adv. No. 11-9045, 2012 WL 761361 (Bankr. N.D. Iowa Mar. 8, 2012) – bankruptcy court denied motion for abstention and remand on foreclosure, breach of contract claims, and counterclaims; defendants filed proofs of claim for the claims asserted in the prepetition lawsuit; most courts interpret <i>Stern</i> narrowly; counterclaims would be necessarily resolved in the process of ruling on the defendant-creditors’ proofs of claim.	Narrow
Counterclaims	9th W.D. Wash. Pechman	May 21, 2012	<i>Pac. Int’l Grout Co. v. Pac. Int’l Grout Co. (In re Vladimirovna)</i> , Case No. C12-778, 2012 WL 1865701 (W.D. Wash. May 21, 2012) – district court withdrew reference on adversary proceeding on dischargeability that also involved state law counterclaims from debtor; state law counterclaims were in no way derived from or dependent upon bankruptcy law; judicial efficiency warranted withdrawal of reference.	Neutral
Counterclaims	9th E.D. Wash. Suko	Feb. 3, 2012	<i>AmericanWest Bancorporation v. Starbuck Bancshares Inc. (In re AmericanWest Bancorporation)</i> , No. CV-11-0448, 2012 U.S. LEXIS 13350, 2012 WL 394379 (E.D. Wash. Feb. 3, 2012) – district court withdrew the reference and referred all pretrial matters to the bankruptcy court; <i>Stern</i> prevented the bankruptcy court from entering final judgment on state law counterclaims at issue in adversary proceeding.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

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Counterclaims	9th D. Ariz. Campbell	Sept. 8, 2011	<i>Corwin v. Gorilla Co. LLC (In re Gorilla Co. LLC)</i> , No. CV-10-1029-PHX, 2011 U.S. Dist. LEXIS 101308 (D. Ariz. Sept. 8, 2011) – district court denied motion for hearing on bankruptcy court’s adjudication of proofs of claim and counterclaims; bankruptcy court concluded that adjudication of counterclaims was necessary for resolution of proofs of claim.	Neutral
Counterclaims	11th S.D. Fla. Marra	Feb. 13, 2012	<i>Sundale Ltd. v. Fla. Assoc. Cap. Enter., LLC</i> , Case No. 11-20635, 2012 U.S. Dist. LEXIS 17895, 2012 WL 488110 (S.D. Fla. Feb. 13, 2012) – district court determined that the bankruptcy court had constitutional authority to enter final judgments on claims of extent, validity, and priority of liens even though defendant filed counterclaim based on state law recoupment; all claims and counterclaims were necessary to be adjudicated to resolve proofs of claim; Supreme Court made clear that it did not intend its decision in <i>Stern</i> to have broad implications.	Narrow
Counterclaims	11th Bankr. N.D. Ga. Brizendine	Dec. 12, 2011	<i>Customized Distrib., LLC v. Coastal Bank and Trust (In re Lee’s Famous Recipes, Inc.)</i> , Adv No. 11-5482, 2012 WL 7068916 (Bankr. N.D. Ga. Dec. 12, 2011) – bankruptcy court denied defendant’s motion to dismiss marshaling claim; <i>Stern</i> does not affect the bankruptcy court’s subject matter jurisdiction to hear a state law claim that bears substantively upon the issues of overall claims determination and allowance process in the bankruptcy case and the distribution of estate property.	Narrow
Dischargeability	3rd Bankr. W.D. Pa. Böhm	Apr. 19, 2012	<i>Ryckman v. Ryckman</i> , 468 B.R. 754 (Bankr. W.D. Pa. 2012) – bankruptcy court determined it had constitutional authority to hear and determined dischargeability action as well as underlying tort; plaintiff commenced the adversary, acknowledged the bankruptcy court’s authority to enter final judgment as to nondischargeability, did not request relief from the stay to have the state court determine liability or seek to withdraw the reference.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

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Dischargeability	5th Bankr. N.D. Tex. Houser	Dec. 13, 2011	<i>Farooqi v. Carroll (In re Carroll)</i> , 464 B.R. 293 (Bankr. N.D. Tex. 2011) – bankruptcy court awarded money damages against debtor and determine dischargeability of such award under § 523; failure to file proof of claim does not divest bankruptcy court of subject matter jurisdiction, and regardless, filing of adversary proceeding for liquidated damages constituted informal proof of claim; determination of DTPA claims were necessary to rule on dischargeability and thus bankruptcy court had authority to enter monetary judgment.	Neutral
Dischargeability	6th Bankr. W.D. Mich. Gregg	Mar. 16, 2012	<i>Aumaugher v. Apostle (In re Apostle)</i> , 467 B.R. 433 (Bankr. W.D. Mich. 2012) – bankruptcy court determined that <i>Stern v. Marshall</i> does not prevent a bankruptcy court from determining dischargeability of debt; <i>Stern</i> is extremely narrow.	Narrow
Dischargeability	7th Bankr. N.D. Ill. Schmeterer	Nov. 15, 2011	<i>In re Boricich</i> , 464 B.R. 335 (Bankr. N.D. Ill. 2011) – bankruptcy court entered final money judgment in a nondischargeability action because such action is directly under and defined by the Bankruptcy Code with no jury trial right; <i>Stern</i> involved an action for which a party might demand a jury trial.	Narrow
Dischargeability	9th B.A.P. 9th Cir. Pappas, Dunn, Markell	Apr. 23, 2012	<i>Deitz v. Ford (In re Deitz)</i> , 469 B.R. 11 (B.A.P. 9th Cir. 2012) – bankruptcy court determined it had constitutional authority to determine state law claim against debtor because the matter arose in connection with a dischargeability action; the Ninth Circuit had expressly held pre- <i>Stern</i> that a bankruptcy court may enter a monetary judgment on a disputed state law fraud claim in the course of determining that the debt is nondischargeable; <i>Stern</i> does not overturn this circuit’s authority on this issue.	Narrow

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Dischargeability	9th S.D. Cal. Mann	Feb. 1, 2012	<i>Whited v. Galindo (In re Galindo)</i> , 467 B.R. 201 (Bankr. S.D. Cal. Feb. 1, 2012) – bankruptcy court determined that it had constitutional authority to enter final order on dischargeability of debt; bankruptcy judges may determine matters “arising under” and “arising in”; debt dischargeability is a core proceeding under § 157(b)(2)(L); there is a question as to whether the bankruptcy court can enter a final money judgment in a nondischargeability action, and thus bankruptcy court stated that its decision should be treated as a report and recommendation if the district court determines that the bankruptcy court lacked the authority to enter the money judgment.	Neutral
Dischargeability	11th S.D. Fla. Marra	May 17, 2012	<i>Dulcetti v. Markwood Inv. Ltd. (In re Neves)</i> , Case No. 11-24505, 2012 WL 1831717 (S.D. Fla. May, 17, 2012) – district court determined that <i>Stern</i> was inapplicable to the question of whether a bankruptcy court retains jurisdiction over dischargeability action in which it unquestionably had jurisdiction; <i>Stern</i> does not undermine the federal circuit court decisions (5th, 8th, 9th, and 10th cited) that provide that bankruptcy courts do have authority to enter a money judgment in dischargeability proceedings.	Neutral
Jury Issues	2nd S.D.N.Y. Engelmayer	Feb. 1, 2012	<i>Geron v. Levine (In re Levine)</i> , No. 1:00-cv-9101, 2012 WL 310944 (S.D.N.Y. Feb. 1, 2012) – district court granted motion to withdraw the bankruptcy reference on adversary proceeding asserting various state law and fraudulent conveyance claims; after <i>Stern</i> , bankruptcy courts cannot be constitutionally vested with the power to issue final judgments on issues that implicate only private rights, though parties may consent to adjudication; trustee demanded jury trial and thus for efficiency sake, withdrawal of reference for core and non-core claims was appropriate.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

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Jury Issues	3rd Bankr. D. Del. Walsh	Apr. 12, 2012	<i>Zazzali v. 1031 Exch. Grp. (In re DBSI, Inc.)</i> , 467 B.R. 767 (Bankr. D. Del. 2012) – bankruptcy court denied motions to dismiss adversary proceedings for avoidance actions (including under §§ 544, 547, 548, 549) and state law claims; <i>Stern</i> 's holding is narrow; even though defendants alleged a jury demand was eminent, no such demand had been made; even if jury demand were made, it is customary for the bankruptcy court to preside over proceeding until trial; Delaware's amended standing order of reference allows the bankruptcy court to submit proposed findings of fact and conclusions of law when the bankruptcy court determines it does not have constitutional authority to adjudicate core or non-core matters.	Narrow
Jury Issues	3rd Bankr. D. Del. Walsh	Feb. 7, 2012	<i>Liquidating Tr. of MPC Liquidating Trust v. Granite Fin. Solutions, Inc. (In re MPC Comp., LLC)</i> , 465 B.R. 384 (Bankr. D. Del. 2012) – bankruptcy court denied motion to dismiss causes of action for breach of contract and unjust enrichment; reliance on <i>Stern</i> for jurisdictional inquiry is misplaced; court had related to jurisdiction; whether defendant is entitled to a jury has no bearing on subject matter jurisdiction and thus irrelevant at this stage of proceeding.	Neutral
Jury Issues	4th S.D.S.C. Cain	Apr. 2, 2012	<i>Joe Gibson's Auto World, Inc. v. Zurich Am. Ins. Co. and Universal Underwriters Ins. Co. (In re Joe Gibson's Auto World, Inc.)</i> , Case No. 7:11-2482, 2012 WL 1107763 (D.S.C. Apr. 2, 2012) – district court denied motion to withdraw the reference on adversary proceeding involving state-law claims where defendant demanded a jury; <i>Stern</i> does not preclude the court from allowing the pretrial proceedings to be handled by the bankruptcy court; even where the parties have a right to a jury trial, immediate withdrawal is not required.	Neutral

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

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Jury Issues	5th W.D. Tex. Cardone	Nov. 9, 2011	<i>City Bank v. Compass Bank</i> , No. EP-11-MC-372-KC, 2011 U.S. Dist. LEXIS 129654 (W.D. Tex. Nov. 9, 2011) – district court denied motion to withdraw the reference on fraudulent transfer claim; district court assumed, without deciding, that the fraudulent transfer claim was non-core; court would withdraw the case if and when a jury trial became necessary; <i>Stern</i> prohibits a bankruptcy court from entering final judgment on a state law claim that is independent of a federal statutory scheme.	Expansive
Jury Issues	6th Bankr. W.D. Tenn. Latta	Oct. 5, 2011	<i>Tabor v. Kelly (In re Davis)</i> , Adv. No. 07-05181-L, 2011 Bankr. LEXIS 3764 (Bankr. W.D. Tenn. Oct. 5, 2011) – bankruptcy court submitted proposed findings of fact and conclusions of law on summary judgment over fraudulent transfer and preference actions; defendant did not file proof of claim, demanded jury, and did not consent to the bankruptcy court conducting the jury trial; under <i>Granfinanciera</i> and <i>Stern</i> , bankruptcy courts cannot adjudicate avoidance actions because they involve private rights, were historically suits at common law, and bankruptcy referees had no summary jurisdiction over them; if Seventh Amendment right to jury trial attaches, the action must be heard and decided in an Article III court.	Expansive
Jury Issues	9th S.D. Cal. Lorenz	Mar. 20, 2012	<i>Midway Venture, LLC v. Gladstone (In re Pacers, Inc.)</i> , Adv. No. 10-90527, 2012 WL 947956 (S.D. Cal. Mar. 20, 2012) – district court withdrew the reference on adversary proceeding for misrepresentation and implied equitable indemnity; remedy sought by plaintiff is legal in nature; defendant had jury trial right; plaintiff did not waive jury trial right and did not otherwise consent to a jury trial in the bankruptcy court, and therefore the plaintiff is entitled to a jury trial in the district court.	Neutral



**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

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Jury Issues	9th C.D. Cal. Walter	Mar. 8, 2012	<i>Neilson v. Entm't One, Ltd. (In re Death Row Records, Inc.)</i> , Case No. CV 12-1192, 2012 WL 1033350 (C.D. Cal. Mar. 8, 2012) – district court denied motion to withdraw the reference on various state law claims including breach of contract, turnover, and accounting; defendant demanded jury trial, but two years ago had consented to the bankruptcy court conducting the jury trial; there is no absolute individual right to have a claim adjudicated in an Article III court, and as such, the right is subject to waiver; <i>Stern</i> does not affect the parties ability to consent to a non-Article III judge exercising Article III powers including conducting a jury trial and entering a final judgment in the adversary proceeding; defendant cannot withdraw prior consent.	Narrow
Jury Issues	11th Cir. S.D. Fla. Marra	Mar. 14, 2012	<i>Stettin v. Regent Cap. Partners, LLC (In re Rothstein, Rosenfeldt, Adler, P.A.)</i> , Case No. 11-62612, 2012 WL 882497 (S.D. Fla. Mar. 14, 2012) – district court denied withdrawal of the reference on fraudulent transfer actions; removing fraudulent transfer actions from bankruptcy court jurisdiction would meaningfully change the division of labor between bankruptcy and district courts; defendants did not file a proof of claim and demanded a jury, therefore, bankruptcy court would hear all pretrial matters and reference will be withdrawn at trial stage to conduct the jury trial.	Neutral
Statutory Gap	2nd S.D.N.Y. Rakoff	May 9, 2012	<i>Kirschner v. Agoglia</i> , --- F. Supp. 2d ---, Case No. 11 Civ. 8250, 2012 WL 1622496 (S.D.N.Y. May 9, 2012) – district court determined that bankruptcy courts do not have constitutional authority to enter final orders in fraudulent conveyance actions; though the plain meaning of § 157(c)(1) would not allow a bankruptcy court to submit proposed findings of fact and conclusions of law in core proceedings, bankruptcy courts may do so; section 157(c)(1) was enacted prior to <i>Stern</i> ; legislative permission is not needed for the report and recommendation process; district courts refer matters to magistrate judges and special masters; post- <i>Stern</i> amended Standing Order of Reference in Southern District of New York is well within the inherent power of a federal district court.	Expansive

**Cases Discussing *Stern v. Marshall* from September 1, 2011 through June 1, 2012**

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Statutory Gap	2nd Bankr. S.D.N.Y. Lane	Feb. 10, 2012	<i>In re The Containership Co.</i> , 466 B.R. 219 (Bankr. S.D.N.Y. 2012) – bankruptcy court denied motion to lift stay to file complaints before the Federal Maritime Commission; argument that bankruptcy court lacked jurisdiction to render final judgment in adversary proceeding was premature and not before the court; in any event the bankruptcy court would have the power to submit proposed findings and conclusions of law to the district court.	Neutral
Statutory Gap	2nd S.D.N.Y. Crotty	Jan. 30, 2012	<i>Adelphia Recovery Trust v. FLP Grp., Inc. (In re Adelphia Commc'n Corp.)</i> , 11 Civ. 6847, 2012 U.S. Dist. LEXIS 10804 (S.D.N.Y. Jan. 30, 2012) – district court denied motion to withdraw the reference of §§ 544 and 550 proceedings; bankruptcy court lacked constitutional authority to enter final judgment on § 544 claim because the claim is a private right, would not necessarily be decided in ruling on a proof of claim, and the defendant did not knowingly consent; bankruptcy court could propose findings of fact and conclusions of law.	Expansive
Statutory Gap	3rd Bankr. D. Del. Walsh	Apr. 12, 2012	<i>Zazzali v. 1031 Exch. Grp. (In re DBSI, Inc.)</i> , 467 B.R. 767 (Bankr. D. Del. 2012) – bankruptcy court denied motions to dismiss adversary proceedings for avoidance actions (including under §§ 544, 547, 548, 549) and state law claims; <i>Stern's</i> holding is narrow; even though defendants alleged a jury demand was eminent, no such demand had been made; even if jury demand were made, it is customary for the bankruptcy court to preside over proceeding until trial; Delaware's amended standing order of reference allows the bankruptcy court to submit proposed findings of fact and conclusions of law when the bankruptcy court determines it does not have constitutional authority to adjudicate core or non-core matters.	Narrow

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Statutory Gap	3rd Bankr. E.D. Pa. Frank	Nov. 15, 2011	<i>Goldstein v. Eby-Brown (In re Universal Mktg., Inc.)</i> , 459 B.R. 573 (Bankr. E.D. Pa. 2011) – bankruptcy court denied a motion to dismiss actions for pre and post-petition fraudulent transfers; trustee filed claim under § 544 not the UFTA; distinction is relevant even though the avoidance power in § 544 is premised on state law; <i>Stern</i> involved a state law claim independent of federal bankruptcy law; criticizes <i>Blixseth</i> ; fails to see how Congress’ express, unambiguous delegation of subject matter jurisdiction in “related” proceedings is vitiated by the absence of an explicit mechanism for the issuance of proposed findings of fact and conclusions of law in cases in which Congress may have exceeded its constitutional authority in designating proceedings as “core.”	Narrow
Statutory Gap	5th Bankr. N.D. Tex. Jones	Feb. 10, 2012	<i>In re Am. Hous. Found.</i> , Case No. 09-20232, 2012 Bankr. LEXIS 449, 2012 WL 443967 (Bankr. N.D. Tex. Feb. 10, 2012) – bankruptcy court denied various motions to dismiss causes of action including fraudulent transfers under §§ 544 and 548 and preference actions under § 547; most defendants were not creditors and did not consent to the court hearing the matters; the causes of action were “arising” matters and not merely “related” matters; even assuming bankruptcy court does not have constitutional authority to determine matters post- <i>Stern</i> , it makes little sense that the bankruptcy judge has authority to submit proposed findings of fact and conclusions of law on non-core matters, but not core.	Neutral
Statutory Gap	5th Bankr. N.D. Tex. Houser	Nov. 28, 2011	<i>Reed v. Linehan (In re Soporex, Inc.)</i> , Adv. No. 11-3306-BJH, 2011 Bankr. LEXIS 4695 (Bankr. N.D. Tex. Nov. 28, 2011) – bankruptcy court submitted proposed findings of fact and conclusions of law on various state law claims; claims were “related to” and thus 28 U.S.C. § 157(c)(1) permitted the bankruptcy court to submit proposed findings and conclusions to the district court; to the extent that a category of “core but unconstitutional” exists, it is absurd to think that bankruptcy courts can do nothing with these claims.	Neutral

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Statutory Gap	7th Bankr. N.D. Ill. Cox	Dec. 12, 2011	<i>Levey v. Hanson’s Window &amp; Constr., Inc. (In re Republic Windows &amp; Doors, LLC)</i> , 460 B.R. 511 (Bankr. N.D. Ill. 2011) – bankruptcy court determined that various causes of action including state law claims and §§ 548 and 544 actions were “related to” actions because they had the potential of augmenting the estate; as such, the various causes of action were non-core matters and thus the bankruptcy court could submit proposed findings and conclusions of law to the district court under § 157(c)(1).	Expansive (though stated as Narrow)
Statutory Gap	9th D. Haw. Seabright	Oct. 5, 2011	<i>Field v. Lindell (In re The Mortgage Store, Inc.)</i> , Civil No. 11–00439 JMS/RLP, 2011 U.S. Dist. LEXIS 123506 (D. Haw. Oct. 5, 2011) – district court denied motion for withdrawal of reference on Section 544(b) and 548 actions; even if a bankruptcy court no longer has authority to enter final orders on avoidance actions, it may still submit proposed findings and conclusions; no new category exists because to the extent Congress runs afoul of the Constitution by granting the power to enter final judgments on particular core proceedings, those proceedings are no longer part of that definition.	Neutral
Statutory Gap	11th Cir. S.D. Fla. Marra	Mar. 14, 2012	<i>Stettin v. Regent Cap. Partners, LLC (In re Rothstein, Rosenfeldt, Adler, P.A.)</i> , Case No. 11-62612, 2012 WL 882497 (S.D. Fla. Mar. 14, 2012) – district court denied withdrawal of the reference on fraudulent transfer actions; removing fraudulent transfer actions from bankruptcy court jurisdiction would meaningfully change the division of labor between bankruptcy and district courts; defendants did not file a proof of claim and demanded a jury, therefore, bankruptcy court would hear all pretrial matters and reference will be withdrawn at trial stage to conduct the jury trial.	Neutral
Other: Sanctions	7th Bankr. W.D. Wis. Martin	Nov. 17, 2011	<i>In re Horsfall</i> , Adv. No. 1000179, 2011 Bankr. LEXIS 4570 (Bankr. W.D. Wis. Nov. 17, 2011) – bankruptcy court may impose sanctions under 28 U.S.C. § 1927 because §1927 does not confer Article III power on a bankruptcy court, and instead, references “courts of the United States.”	Narrow