

**THIS OPINION IS NOT INTENDED  
FOR PUBLICATION**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FILED  
05 FEB 10 PM 2:21  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

In re:	)	Case No. 03-11098
	)	(Jointly Administered)
PACIFIC FINANCIAL SERVICES OF AMERICA, INC., et al.,	)	Chapter 11
	)	
Debtors.	)	Judge Pat E. Morgenstern-Clarren
	)	
ASHTABULA COUNTY TREASURER,	)	Adversary Proceeding No. 04-1381
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
PACIFIC FINANCIAL SERVICES OF AMERICA, INC., et al.,	)	<b><u>MEMORANDUM OF OPINION</u></b>
	)	
Defendants.	)	

The Ashtabula County Treasurer filed this foreclosure action in the Ashtabula County Court of Common Pleas and defendant Huntington National Bank removed it to this court under 28 U.S.C. § 1452. In light of developments in the main bankruptcy case, this court entered an order requiring the parties to file position statements on the issue of remand. (Docket 45). The debtor and Laurence Lomaz requested remand. The Ohio Department of Transportation filed a response which did not take a position. Huntington initially opposed, but now requests, remand. (Docket 45, 53, 56, 61, 63).

“The court to which [a] claim or cause of action is removed may remand such claim or cause of action on any equitable ground.” 28 U.S.C. § 1452(b). Remand is appropriate under the circumstances. As this court previously noted, the removed action: (1) involves issues of state

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law; (2) includes numerous parties in addition to the debtor and Huntington; (3) was pending in the state court for more than four years before the removal; and (4) requires this court to address a pending motion to vacate a judgment entered by the state court. And as Huntington notes, the reasons for the removal are no longer valid. The foreclosure action was removed so that it could be prosecuted in coordination with the plan confirmation process in the chapter 11 cases of Pacific Financial and Midwest Fireworks Manufacturing Co., Inc. II. As a result of the Pacific case being dismissed and the Midwest case being converted to chapter 7, that plan is no longer viable and the state court is once again the correct forum for this action.

For the reasons stated above, the case *Ashtabula County Treasurer v. Pacific Financial Services of America, Inc., et al.*, 2000 CV 220, is remanded to the Ashtabula County Court of Common Pleas. A separate order will be entered reflecting this decision.

Date:

16 May 2005

Pat E. Morgenstern-Clarren  
Pat E. Morgenstern-Clarren  
United States Bankruptcy Judge

To be served by clerk's office email and the Bankruptcy Noticing Center on:

Clerk of Court for the Ashtabula County Court of Common Pleas  
James Erhman, Esq.  
Robert Herman, Esq.  
Stanley Josselson, Esq.  
SIM, Inc.  
Joseph Pfundstein, esq.  
Morris Laatsch, Esq.  
John Thorne, Esq.  
Richard Makowski, Esq.  
Nicholas Iarocci, Esq.  
Vitality Hospitality Services, Inc.  
David Simon, Trustee  
Alexander Jurczenko, Esq.

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PACIFIC FINANCIAL SERVICES OF ) Chapter 11  
AMERICA, INC., et al., )  
)  
Debtors. ) Judge Pat E. Morgenstern-Clarren  
\_\_\_\_\_)  
)  
ASHTABULA COUNTY TREASURER, ) Adversary Proceeding No. 04-1381  
)  
Plaintiff, )  
)  
v. ) **ORDER**  
)  
PACIFIC FINANCIAL SERVICES OF )  
AMERICA, INC., et al., )  
)  
Defendants. )

For the reasons stated in the memorandum of opinion filed this same date, the case of *Ashtabula County Treasurer v. Pacific Financial Services of America, Inc., et al.*, 2000 CV 220, is remanded to the Ashtabula County Court of Common Pleas.

IT IS SO ORDERED.

Date:

10 February 2010

Pat E. Morgenstern-Clarren  
Pat E. Morgenstern-Clarren  
United States Bankruptcy Judge

To be served by clerk's office email and the Bankruptcy Noticing Center on:

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