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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

In re:)	Case No. 03-11098
)	
PACIFIC FINANCIAL SERVICES OF)	Chapter 11
AMERICA, INC., et al.,)	
)	
Debtors.)	Judge Pat E. Morgenstern-Clarren
)	
THE HUNTINGTON NATIONAL BANK,)	Adversary Proceeding No. 04-1429
)	
Plaintiff,)	
)	
v.)	<u>MEMORANDUM OF OPINION</u>
)	
LARRY D. LOMAZ, et al.,)	
)	
Defendants.)	

Huntington National Bank, which filed this foreclosure action in the Portage County Court of Common Pleas, 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 49). Several parties requested remand. Huntington initially opposed, but now requests, remand. (Docket 52, 53, 54, 55, 56, 64).

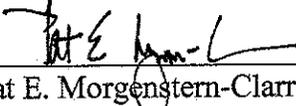
“The court to which [a] claim or cause of action is removed may remand such claim or cause of action on any equitable ground.” 28 U.S.C. § 1452(b). Remand is appropriate under the circumstances. As this court previously noted, the removed action: (1) involves issues of state law; (2) includes numerous parties in addition to the debtor and Huntington; (3) was pending in the state court for more than three years before the removal; and (4) requires this court to address

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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 And as Huntington notes, the reasons for the removal are no longer valid.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 *Huntington National Bank v. Lomaz, et al.*, 2001 CV 1007, is remanded to the Portage County Court of Common Pleas. A separate order will be entered reflecting this decision.

Date: 10 July 2001


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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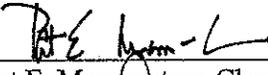
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

In re:) Case No. 03-11098
) (Jointly Administered)
PACIFIC FINANCIAL SERVICES OF) Chapter 11
AMERICA, INC., et al.,)
)
Debtors.) Judge Pat E. Morgenstern-Clarren
_____)
)
THE HUNTINGTON NATIONAL BANK,) Adversary Proceeding No. 04-1429
)
Plaintiff,)
)
/ v.) **ORDER**
)
LARRY D. LOMAZ, et al.,)
)
Defendants.)

For the reasons stated in the memorandum of opinion filed this same date, the case of *The Huntington National Bank v. Larry D. Lomaz, et al.*, 2001 CV 1007, is remanded to the Portage County Court of Common Pleas.

IT IS SO ORDERED.

Date: 10 Feb 2005



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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James Erhman, Esq.
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Joseph Pfundstein, esq.
Morris Laatsch, Esq.
John Thorne, Esq.
Richard Makowski, Esq.
Nicholas Iarocci, Esq.
Vitality Hospitality Services, Inc.
David Simon, Trustee
Alexander Jurzenko, Esq.