

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re

13 Civ. 2363 (JMF)

RESIDENTIAL CAPITAL, LLC,

Debtor.

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SEALINK FUNDING LIMITED,

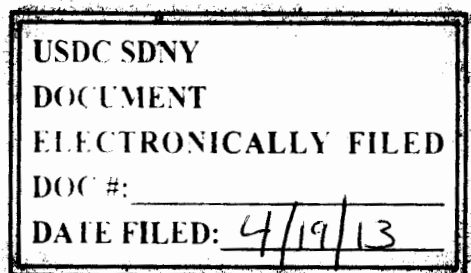
Plaintiff,

-v-

DEUTSCHE BANK AG, ET AL.,

Defendants.
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ORDER ADOPTING
FINDINGS OF FACT AND
CONCLUSIONS OF LAW



JESSE M. FURMAN, United States District Judge:

This matter comes before the Court upon the Proposed Findings of Fact and Conclusions of Law, signed by United States Bankruptcy Judge Martin Glenn, as to Plaintiff Sealink Funding Limited's motion to remand this case to state court. (Docket No. 1). No objections have been filed. For the reasons that follow, the Court ACCEPTS the findings of fact and conclusions of law, and REMANDS this case to the New York Supreme Court, Commercial Division, from which the case was removed.

This Court's review of Bankruptcy Judge Glenn's Proposed Findings of Fact and Conclusions of Law is governed by Bankruptcy Rule 9033(d) which provides that:

The district judge shall make a de novo review upon the record . . . of any portion of the bankruptcy judge's findings of fact or conclusions of law to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the proposed findings of fact or conclusions of law, receive further evidence, or recommit the matter to the bankruptcy judge with instructions.



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In the present case, the Proposed Findings of Fact and Conclusions of Law advised the parties that they had fourteen days from service of the Proposed Findings of Fact and Conclusions of Law to file any objections. As of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. In such a case, the Court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *See* Fed. R. Bankr. P. 9033 advisory committee's note (adopting *de novo* review provisions of Federal Rule of Civil Procedure 72(b)); 28 U.S.C. § 157(c)(1) (explaining that in a non-core proceeding, the bankruptcy judge "shall submit proposed findings of fact and conclusions of law to the district court," which shall issue a final order or judgment "after reviewing *de novo* those matters to which any party has timely and specifically objected"); *see also* Fed. R. Civ. P. 72 advisory committee's note (explaining that "when no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation"); *Dawson v. J & B Detail, L.L.C.*, 106CV1949, 2006 WL 3827459 (N.D. Ohio Dec. 27, 2006) (applying Rule 72(b)'s standard of review to bankruptcy court's proposed findings of fact and conclusions of law under Bankruptcy Rule 9033(d)).

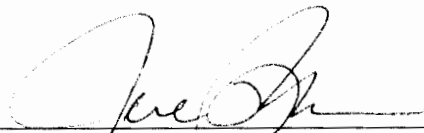
The Court has reviewed the Bankruptcy Court's Proposed Findings of Fact and Conclusions of Law and finds no clear error. The Bankruptcy Court's determination that this case should be remanded to the New York Supreme Court, Commercial Division, based on permissive abstention under 28 U.S.C. § 1334(c)(1) is well reasoned and grounded in fact and law. As Bankruptcy Judge Glenn explained, litigating this removed action to judgment would "unquestionably" unduly delay the administration of the bankruptcy case. Further, state law issues predominate in this action, and New York Supreme Court's Commercial Division is a

specialized court that is equipped to deal with the issues in this case and is currently presiding over numerous similar cases, including six cases that were initiated by the same Plaintiff on substantially similar facts.

Accordingly, it is hereby ORDERED that Bankruptcy Judge Magistrate Glenn's Proposed Findings of Fact and Conclusions of Law, dated March 20, 2013, is ADOPTED in its entirety. The Clerk of Court is respectfully requested to remand this action to the Supreme Court of the State of New York, New York County, and to close this case.

SO ORDERED.

Dated: April 19, 2013
New York, New York



JESSE M. FURMAN
United States District Judge