IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DISTRICT

IN RE:	§	CASE NO. 07-40590-DML-11
	§	
SHILOH CHURCH MINISTRIES, INC.	§	
	§	
DEBTOR	§	
	§	
	§	
	§	
	§	

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
ENTERED
THE DATE OF ENTRY IS
ON THE COURTS DOCKET
TAWANA C. MARSHALL, CLERK

MEMORANDUM ORDER

Before the court is the "*Amended Motion Requesting Relief from Automatic Stay*" (the "Motion for Relief") filed by Davina and Darian Kelly (the "Kellys") pursuant to 11 U.S.C. § 362(d). Contemporaneously before the court is the "*Motion to Withdraw Reference of Case Pursuant to 28 U.S.C § 157(d)*" (the "Motion to Withdraw") also filed by the Kellys. The court has reviewed both the Motion for Relief and the Motion to Withdraw. To avoid the potential conflict created by these motions, given that the latter would be decided by the District Court, the court believes the process the Kellys should have followed was to seek relief from the automatic stay prior to filing a motion to withdraw the reference.

The Kellys have asked that the court grant relief from the automatic stay so that they may liquidate personal injury claims against Debtor (the "Kelly Claims")[1] in state court. Liquidation of the Kelly Claims through entry of a money judgment may be helpful to Debtor's reorganization. Both parties recognize that 28 U.S.C. § 157(b)(2)(B) does not allow this court to

[1] While some of the claims asserted by the Kellys are arguably not personal injury claims, all the claims arise from the same conduct and, therefore, should be tried together

liquidate a personal injury claim. Congress has placed liquidation of personal injury claims exclusively within the jurisdiction of the United States District Court. 28 U.S.C. § 157(b)(5).

The court has advised the District Court that it believes the best course of action is to grant the Motion for Relief. The District Court has indicated it concurs with this course, which will also moot the motion to withdraw

The Motion for Relief is therefore GRANTED.

It is so ORDERED.

Signed this 31st day of May 2007.

DENNIS MICHAEL LYNN
UNITED STATES BANKRUPTCY JUDGE