

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROYAL CREDIT UNION,

Plaintiff,

v.

AMERICAN MOTEL, ACQUISITION
COMPANY, LLC., AMAC EAU
CLAIRE, LLC., LAWRENCE P. HORWITZ,
ANDRE S. TATIBOUET, DENNIS L.
HEYDE, CAROL J. HEYDE, HEYDE
HOSPITALITY, INC., and HEYDE
HEALTH SYSTEMS, INC.

Defendants.

ORDER

03-C-717-C

A hearing was held by telephone in this case on December 31, 2003 before United States District Judge Barbara B. Crabb. Carol Dittmar, John Leary, Jack Cullen, Catherine Furay and David Raihle participated in the hearing.

The issue before the court was plaintiff's motion to remand the removed case to the Circuit Court for Eau Claire County. Removing defendant American Motel Acquisition Company, LLC., opposes the motion to remand, as do defendants Lawrence P. Horwitz and Andre S. Tatibouet. They maintain that the issues raised in the lawsuit filed originally in

Eau Claire County relate closely to the pending bankruptcy proceeding involving the Heyde defendants, which is pending in the United States Bankruptcy Court for the Western District of Wisconsin and that the case should be heard by that court in its entirety.

Before deciding the remand issue, I would benefit from additional briefing on the scope of the guarantee that is in dispute. Accordingly, I directed counsel to file briefs on that subject no later than January 5, 2004. Once those briefs are filed, I will try to make a quick determination of the motion to remand.

Entered this 2nd day of January, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge