

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re

NOT FOR PUBLICATION

Matthew P. Pynn

Case No. 15-12745 K

Debtor

Matthew P. Pynn

Plaintiff

-vs-

AP No. 16-01029 K

Stacey Pynn

Defendant

OPINION AND ORDER

After off-the-record consultation with counsel earlier this week, the Court now suspends this Adversary Proceeding pending instructions from the District Court in relation to its Case #16-CV-548-LJV. (11 U.S.C. §305) This is because this Court is a statutory “unit” of the District Court (28 U.S.C. §151), and the affirmative defense of “discharge in bankruptcy” has been pled in District Court by Matthew Pynn as to the Amended Complaint.

Although this Adversary Proceeding complains of Stacey Pynn’s initial Complaint in the District Court action (which clearly did, on its face, violate the discharge injunction (11 U.S.C. §524)), the Amended Complaint seeks injunctive relief only as to Matthew Pynn. It is the District Court’s prerogative (in this writer’s view¹) to decide

¹See 28 U.S.C. §157 and the General Order of Reference entered by the District Court on July 13, 1984, and supplemented on May 20, 1992, and (as to *Stern v. Marshall* concerns on February 29, 2012.)

whether, when, and the extent to which this Adversary Proceeding (and any other matter incident to this Court's orders in Matthew Pynn's bankruptcy case) should proceed here rather than in the District Court.

Both parties now have leave of this Court to seek instructions from the District Court in such regard.

SO ORDERED.

Dated: Buffalo, New York
September 22, 2016

s/Michael J. Kaplan
U.S.B.J.