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SEP 25 2003

RICHARD W. WIEKING
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NORTHERN DISTRICT OF CALIFORNIA

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re WESTERN ASBESTOS COMPANY, et
al.,

No. C 03-0989 MJJ


Debtors.

**ORDER DECLINING TO ADOPT
REPORT AND RECOMMENDATION OF
BANKRUPTCY JUDGE TO WITHDRAW
REFERENCE**

On August 28, 2003, Bankruptcy Judge Tchaikovsky submitted report and recommendation that the Court "withdraw from the bankruptcy court the reference of its bankruptcy jurisdiction with respect to all matters relating to plan confirmation." Judge Tchaikovsky then recommends that district court "refer back to the bankruptcy court all other jurisdiction related to plan confirmation on an advisory basis." Although such a procedure is permitted in the context of non-core proceedings (28 U.S.C. § 157(c)(1)), plan confirmation is explicitly identified in the statute as a core proceeding. *See* § 157(b)(2)(L). Thus, the procedure recommended by Judge Tchaikovsky is not permitted under bankruptcy statute, and, for this reason, the Court declines to adopt her report and recommendation. The reference shall stay in effect.

IT IS SO ORDERED.

Dated: September 25, 2003


MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

IN RE: WESTERN ASBESTOS COMPANY,
et al.,

Case Number: CV03-0989 MJJ

CERTIFICATE OF SERVICE

Debtors.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 25, 2003, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

USBC Manager - Oakland
U.S. Bankruptcy Court
1300 Clay Street
Third Floor
Oakland, CA 94612

Barry R. Ostrager
Simpson Thacher & Bartlett
425 Lexington Avenue
New York, NY 10017

Brian D. Lee
Stutman Treister & Glatt
1901 Avenue of the Stars
Twelfth Street
Los Angeles, CA 90067

Eric M. Frater
Orrick Herrington & Sutcliffe LLP
Old Federal Reserve Bank Building
One Sansome Street
San Francisco, CA 94111

Ethan P. Schulman
Howard, Rice, Nemerovski, Canady, Falk
Three Embarcadero Center
7th Floor
San Francisco, CA 94111-4065

Gary S. Fergus
Fergus, a law firm
595 Market Street
Suite 2430
San Francisco, CA 94105

Jeffrey K. Rehfeld
Sheppard, Mullin, Richter & Hampton LLP
Four Embarcader Center, 17th Floor
San Francisco, CA 94111

Leslie Tchaikovsky
U.S. Bankruptcy Court
Northern District of California
1300 Clay St. #300
P.O. Box 2070
Oakland, CA 94604

M. Elaine Hammond
Friedman Dumas & Springwater
One Maritime Plaza
Suite 2475
San Francisco, CA 94111

Michael H. Ahrens
Sheppard Mullin Richter & Hampton
Four Embarcadero Center
17th Floor
San Francisco, CA 94111

Patrick A. Murphy
Murphy Sheneman Julian & Rogers
101 California Street
Suite 3900
San Francisco, CA 94111

Peter Van N. Lockwood
Caplin & Drysdale
One Thomas Circle NW
Washington, DC 20005

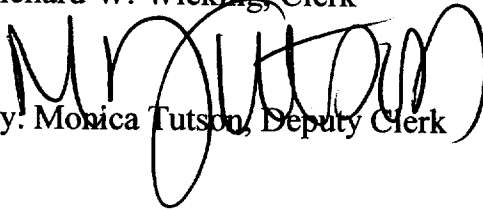
Stephen F. Biegenzahn
Albert, Weiland & Golden, LLP
650 Town Center Drive, Suite 950
Costa Mesa, CA 92626

William J. Lafferty
Howard Rice Nemerovski Canady Falk
Three Embarcadero Center
7th Floor
San Francisco, CA 94111-4065

William J. Perlstein
Wilmer Cutler & Pickering
2445 M Street NW
Washington, DC 20037

Dated: September 25, 2003

Richard W. Wieking, Clerk

A handwritten signature in black ink, appearing to read 'M. Tutson', written over the printed name 'By: Monica Tutson, Deputy Clerk'. The signature is fluid and cursive, with a large loop at the end.

By: Monica Tutson, Deputy Clerk