

TREPEL GREENFIELD SULLIVAN & DRAA LLP

SAN FRANCISCO OFFICE
150 California Street
Suite 2200
San Francisco CA 94111
Phone: (415) 283-1776
Fax: (415) 283-1777

SAN JOSE OFFICE
55 South Market Street
Suite 1500
San Jose, CA 95113
Phone: (408) 995-5600
Fax: (408) 995-0308

www.tgsdlaw.com

February 8, 2012

Respond to:
Christopher D. Sullivan
csullivan@tgsdlaw.com
San Francisco Office

VIA E-FILING

Ms. Molly Dwyer, Clerk of Court
Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

Re: The 412(I) Company a/k/a Bellingham Insurance Agency, Inc. v. Executive Benefits Insurance Agency, Inc., Appeal No. 11-35162
Concerned Chapter 7 and 11 Trustees and Plan Administrator's Amicus Brief

Dear Ms. Dwyer,

Pursuant to Federal Rule of Appellate Procedure 28(j), I am writing on behalf of *Amicus Curiae* Concerned Chapter 7 and 11 Trustees and Plan Administrators to alert the Court to pertinent and significant supplemental authority that recently came to our attention. In particular, on Wednesday, February 1, 2012, the United States District Court for the Southern District of New York filed the attached amendment to its Standing Order of Reference. Amici would have cited this rule change in the first section, on pages 1-3, of the *Amicus Curiae* brief as reflective of the importance of the

Ms. Molly Dwyer
February 8, 2012
Page 2

management of fraudulent conveyance claims to federal courts and in the argument in Section II on pages 19-24, addressing the authority of bankruptcy courts to hear cases that are statutorily core, but in which it may be unconstitutional for a non-Article III court to enter a final judgment.

Very truly yours,

TREPEL GREENFIELD SULLIVAN DRAA LLP

/s/ Christopher D. Sullivan

Christopher D. Sullivan

cc: All Parties (via e-filing notification)
Enclosure

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC# _____
DATE FILED: 2-1-2012

12 MISC 00032

In the Matter of:

Standing Order of Reference
Re: Title 11

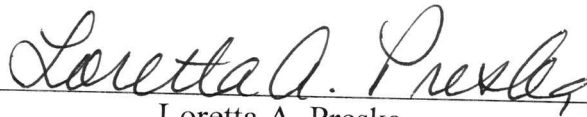
: AMENDED
: STANDING ORDER
: OF REFERENCE
:
:
:

M10-468

Pursuant to 28 U.S.C. Section 157(a) any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 are referred to the bankruptcy judges for this district.

If a bankruptcy judge or district judge determines that entry of a final order or judgment by a bankruptcy judge would not be consistent with Article III of the United States Constitution in a particular proceeding referred under this order and determined to be a core matter, the bankruptcy judge shall, unless otherwise ordered by the district court, hear the proceeding and submit proposed findings of fact and conclusions of law to the district court. The district court may treat any order of the bankruptcy court as proposed findings of fact and conclusions of law in the event the district court concludes that the bankruptcy judge could not have entered a final order or judgment consistent with Article III of the United States Constitution.

SO ORDERED.



Loretta A. Preska
Chief Judge

Dated: New York, New York
January 31, 2012

M-61

M 10-450

U.S. DISTRICT COURT
FILED
JUL 11 1984
S. D. OF N. Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Pursuant to Section 157(a) of the Bankruptcy Amendments and Federal Judgeship Act of 1984, any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 are referred to the bankruptcy judges for this district.

So. Ordered,

Robert J. Ward
ROBERT J. WARD
Acting Chief Judge

July 10, 1984

MICROFILM
JUL 11 1984