

**United States Bankruptcy Court  
Western District of Wisconsin**

Cite as: [Unpublished]

**Albert F. Hrdlicka and Loretta L. Hrdlicka, husband and wife, Plaintiffs,**

**v.**

**Joseph J. Hrdlicka; Donald G. Hrdlicka; American Land &  
Cattle Co., Inc., a domestic corporation; AG Transportation &  
Marketing, Inc., a domestic corporation; Hrdlicka Dairy Cattle, Inc.,  
a domestic corporation; Production Credit Association of Chippewa  
Falls, a domestic corporation; Stephen J. Hrdlicka; Timothy L.  
Hrdlicka; Mark J. Hrdlicka; and Paul M. Hrdlicka, Defendants.**

(In re American Land & Cattle, Inc., Debtor)

Bankruptcy Case No. 86-02754-11, Adv. Case No. A87-0043-11

United States Bankruptcy Court  
W.D. Wisconsin, Eau Claire Division

March 20, 1987

Jerome M. Ott, for debtor.

Thomas S. Utschig, United States Bankruptcy Judge.

**MEMORANDUM AND ORDER**

The debtor, by Jerome M. Ott, has filed application to have Chippewa County Circuit Court Case No. 85 CV 889 removed to this court pursuant to Bankruptcy Rule 9027(a) and 28 U.S.C. § 1452(a). The plaintiffs in that action, Albert and Loretta Hrdlicka, alleged that the debtor was involved in a conspiracy to defraud and damage the plaintiffs. That action has been stayed by the imposition of the § 362 automatic stay in this bankruptcy case.

Apparently a copy of the application for removal has not been filed with the Clerk of Court for the Chippewa County Circuit Court. Hence, removal of the action has not been effected. Bankr. Rule 9027(d).

However, even if the action had been properly removed, the action is based on state law and state policy and equity would dictate that the action be remanded. 28 U.S.C. § 1452(b); see also In re Mill Craft Building Systems, 57 B.R. 531 (Bankr. E.D. Wis. 1986).

The court also notes that in the interests of comity and out of respect for state law, this is a case in which the court should exercise its power to abstain. 28 U.S.C. § 1334(c)(1); see also In re Krupke, 57 B.R. 523, 526 (Bankr. W.D. Wis. 1986).

Upon the aforementioned the debtor's application for removal of Chippewa County Circuit Court Case No. 85 CV 889 is hereby denied.

