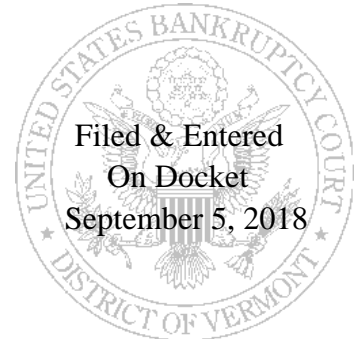


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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**



In re:

**Patricia Ellen Wood,
Debtor.**

**Chapter 13 Case
17-10381**

**Patricia Ellen Wood,
Plaintiff,**

vs.

**Upper Valley Commercial Corp.,
Defendant.**

**Adversary Proceeding
17-01016**

*Appearances: Rebecca Rice, Esq.
Cohen & Rice
Rutland, Vermont
For the Plaintiff*

*John J. Kennelly, Esq.
Pratt Vreeland Kennelly Martin & White
Rutland, Vermont
For Defendant Upper Valley Commercial Corp.*


ORDER

DETERMINING THIS COURT LACKS CONSTITUTIONAL AUTHORITY TO ENTER A FINAL JUDGMENT

For the reasons set forth in the memorandum of decision of even date, the Court finds there are no material facts in dispute relevant to a determination of the Court's statutory jurisdiction and constitutional authority to decide the issues raised in this adversary proceeding – the first claim the Defendant alleges in its motion for summary judgment. Based upon those undisputed material facts, and controlling law, the Court determines it possesses statutory jurisdiction under 28 U.S.C. § 157(b)(2)(K), but does not have constitutional authority to enter a final judgment on the legal issue the Plaintiff asserts in the Complaint or the Defendant's motion for summary judgment. See Stern v. Marshall, 564 U.S. 462, 483–90 (2011).

Based on that determination, and the fact that neither party has filed a motion to withdraw the reference, the pre-trial conference scheduled for September 7, 2018 will proceed unless, prior to that date, one of the parties files, and the Court grants, a motion for withdrawal of the reference, a motion to dismiss this adversary proceeding, or some other dispositive motion.

September 5, 2018
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge