

FILED & JUDGMENT ENTERED  
Steven T. Salata  
  
August 29 2018  
  
Clerk, U.S. Bankruptcy Court  
Western District of North Carolina



*J. Craig Whitley*  
J. Craig Whitley  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

In re: )  
 ) Case No.: 18-30903  
JEREMY WYATT LECLAIR ) Chapter 7  
SSN: XXX-XX-1781 )  
 )  
 ) **ORDER ON MOTION TO DISMISS AND**  
Debtor. ) **MOTION TO TRANSFER CASE**  
 )  
 )

THIS MATTER came on to be heard and was heard by the undersigned of the United States Bankruptcy Court for the Western District of North Carolina on August 27, 2018. Michael K. Elliott appeared on behalf of the Debtor Jeremy Wyatt LeClair (“Debtor”) and James M. Sullivan appeared on behalf of the United States of America on behalf of its agency the Internal Revenue Service (“IRS”). Also appearing were A. Burton Shuford, Trustee and Shelly K. Abel, Bankruptcy Administrator. Debtor and IRS may be referred to collectively hereafter as the “parties”.

Having considered the arguments of counsel and having considered all pleadings and other papers filed with the Court, the undersigned hereby finds:

1. This case was opened by the filing of a voluntary petition under Chapter 7 of Title 11 of the United States Bankruptcy Code on June 12, 2018.
2. The §341 Meeting of Creditors was held on July 11, 2018.
3. On July 26, 2018, both parties filed their respective Motions (The IRS’s Motion to Dismiss ECF #13, and the Debtor’s Motion to Transfer ECF #14, both collectively “the Motions”) that are the subject of this Consent Order.
4. There have been no responses/objections filed to either of the Motions.

5. Based on the facts and assertions raised in the respective Motions and at the hearing on this matter, the following three separate legal corporate entities named in the schedules should be dismissed from this bankruptcy case:

Luxury Auctions Marketing Inc., a Wyoming corporation  
Source.auction LLC, a New Mexico corporation; and  
Grandeur Luxury Auctions Inc., a Wyoming corporation.

6. Based on the facts and assertions raised in the respective Motions and at the hearing on this matter, the Debtor has not met the requirements of 28 U.S.C. §1408(a) in order for venue to be proper in the Western District of North Carolina.

7. The Debtor currently resides in Hacienda Heights, CA and therefore proper venue in this case would be in the Central District of California, Los Angeles Division.

8. Proper venue for this case is in the Central District of California, Los Angeles Division.

9. In addition to the base case, there is a currently pending adversary proceeding between the parties captioned LeClair v. United States, No. 3:18-ap-03043, which adversary proceeding should be transferred concurrently with the base case.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The United States's Motion to Dismiss is Granted in part and the following three separate legal corporate entities named in the schedules are dismissed from this bankruptcy case:

Luxury Auctions Marketing Inc., a Wyoming corporation  
Source.auction LLC, a New Mexico corporation; and  
Grandeur Luxury Auctions Inc., a Wyoming corporation;

The remainder of the United States's Motion to Dismiss is Denied;

2. The Debtor's Motion to Transfer is Granted; and

3. The base case and the adversary proceeding captioned LeClair v. United States, No. 3:18-ap-03043 are hereby transferred to the Central District of California, Los Angeles Division.

This Order has been signed electronically.  
The judge's signature and court's seal  
appear at the top of the Order.

United States Bankruptcy Court