



**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re:

Romex Textiles, Inc.,

Case No.: 2:25-bk-15903-BB

Chapter: 7

Adversary No.: 2:26-ap-01085-BB

Debtor(s),

**ORDER DISMISSING ADVERSARY
PROCEEDING**

Shahab Binafard

Plaintiff(s),

Date: June 23, 2026

Time: 2:00 PM

Vs.

Location: Courtroom 1539

National Commercial Recovery, Inc. d/b/a
Blair Smith and Associates

Defendant(s).

A status conference in the above-referenced adversary proceeding came on for hearing on June 23, 2026, at 2:00 p.m. (the "Status Conference"). Counsel for defendant National Commercial Recovery, Inc. appeared. Neither plaintiff nor counsel for plaintiff appeared. The Court, having reviewed and considered the complaint filed commencing the above adversary proceeding (the "Action for Declaratory Relief"), its records and files in the Action for

1 Declaratory Relief and the underlying bankruptcy case (the “Bankruptcy Case”) and the docket
2 in the state court action that is the subject of the Action for Declaratory Relief (the “State Court
3 Action”), for the reasons set forth on the record at the time of the Status Conference, hereby
4 makes the following findings of fact and conclusions of law:

- 5 1. By way of the Action for Declaratory Relief, plaintiffs seek a declaratory judgment
6 that the State Court Action was removed to this court. There is no such claim for
7 relief. When a party complies with the appropriate procedures to remove a state
8 court action to federal court, removal occurs automatically. Removal cannot be
9 accomplished by bringing a separate action for a declaration that removal has
10 occurred.
- 11 2. To remove a civil action to bankruptcy court, a party must file a notice of removal **in**
12 **the Bankruptcy Case**. Upon filing of a notice of removal in the Bankruptcy Case,
13 the Clerk of the Bankruptcy Court will open an adversary proceeding, assign an
14 adversary proceeding number, and schedule a status conference. A copy of the
15 notice of removal must also be filed in the state court action that is being removed.
- 16 3. Although the docket in the State Court Action reflects that plaintiffs filed in that action
17 a document that purports to be a notice of removal to bankruptcy court, the docket in
18 the Bankruptcy Case does **not** reflect the filing of a notice of removal of the State
19 Court Action. Therefore, the State Court Action has **not** been removed to
20 bankruptcy court.
- 21 4. The State Court Action asserts claims against both the debtor and the debtor’s
22 principals. The claims asserted in that action against the debtor are barred by the
23 automatic stay. Ordinarily, claims against non-debtors are not barred by the
24 automatic stay; however, in this instance, the state court plaintiff is seeking to assert
25 claims that are themselves assets of the debtor’s bankruptcy estate. Therefore, the
26 state court plaintiffs lack standing to prosecute these claims, and any actions that
27 they make take to prosecute these claims constitute a violation of the automatic stay
28 pursuant to Bankruptcy Court section 362(a)(3) which bars “any act to obtain

1 possession of property of the estate or of property from the estate or to exercise
2 control over property of the estate.”


3 5. Accordingly, prosecution of the State Court Action is barred in its entirety by the
4 automatic stay.
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6 In light of the foregoing,

7 **IT IS HEREBY ORDERED** that the above-referenced adversary proceeding is
8 dismissed.

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25 Date: June 24, 2026

26 
27 Sheri Bluebond
28 United States Bankruptcy Judge