

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

JUDGE PETER J. WALSH

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August 15, 2012

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as trustee for the DBSI  
Estate Litigation Trust and  
to Conrad Myers, as trustee  
for the DBSI Liquidating Trust

**Re: Wavetronix LLC v. Conrad Myers and DBSI Liquidating Trust  
Adv. Proc. No. 10-55592 (Motion to Transfer Venue, Doc. # 126)**

**James R. Zazzali and Conrad Myers v. Wavetronix LLC, et al.  
Adv. Proc. No. 10-55963 (Motion to Transfer Venue, Doc. # 217)**

Dear Counsel:

This is my ruling on the above noted motions of Wavetronix LLC to transfer venue to Idaho. I am denying the motions for two significant reasons:

(1) In Wavetronix v. Myers (Adv. Proc. No. 10-55592), the complaint states: "Venue is proper in this Bankruptcy Court

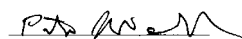
pursuant to 28 U.S.C. § 1408 and § 1409.” (Am. Compl., Doc. # 63, ¶ 6.) In its answer to the complaint Defendants admit to the allegation in Paragraph 6. (Answer, Doc. # 74, ¶ 6.) With respect to Zazzali v. Wavetronix LLC, et al. (Adv. Proc. No. 10-55963), the complaint states: “Venue is proper in the District of Delaware pursuant to 28 U.S.C. §§ 1408 and 1409(a).” (First Am. Compl., Doc. # 56, ¶ 19.) By its answer, Defendants admit as to Paragraph 19. (Answer of Wavetronix LLC #, Doc. # 62, ¶ 19.) Over the last 19 years I have ruled on hundreds of venue transfer motions. However, I do not recall ever responding to a venue transfer motion filed by a plaintiff. Wavetronix’s motion as a plaintiff is unconventional, to say the least, and I will deny it. Obviously, it would not make sense to transfer the action as to which Wavetronix is a defendant. That would result in the same dispute being tried in two different courts.

(2) As a significant factor in requesting the transfer of venue to Idaho, Wavetronix asserts that the Wavetronix RICO action is related to the two adversary proceedings pending here. But the RICO action as to Messrs. Myers and Rich no longer exist.

For the above stated reasons, the motions to transfer the two proceedings from here to Idaho are **DENIED**.

**SO ORDERED.**

Very truly yours,



Peter J. Walsh

PJW:ipm