

**UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY**

IN RE:)	
)	
RESOURCE ENERGY TECHNOLOGIES, LLC)	CASE NO. 09-33669
)	
Debtor)	
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RICHARD C. MOORE)	AP NO. 09-03077
)	
Plaintiff)	
)	
v.)	
)	
RESOURCE ENERGY TECHNOLOGIES, LLC)	
)	
Defendant)	
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MEMORANDUM-OPINION

This matter is before the Court on the Motion to Confirm Arbitration Award of Plaintiff Richard C. Moore (“Moore”). The Court considered Moore’s Motion, the Objection to Moore’s Motion by Defendant/Debtor Resource Energy Technologies, LLC (“Debtor”) and the comments of counsel for the parties at the hearing held on the matter. For the following reasons, the Court *sua sponte* **GRANTS** stay relief to Moore and remands this proceeding to the Fayette Circuit Court for liquidation of Moore’s claim against the Debtor.

PROCEDURAL BACKGROUND

On July 24, 2009, Debtor filed its Voluntary Petition seeking relief under Chapter 11 of the United States Bankruptcy Code.

On October 19, 2009, Debtor filed a Notice of Removal of the action styled, Richard C. Moore v. Resource Energy Technologies, LLC, CA 07-CI-5071, which was pending in the Fayette Circuit Court, Lexington, Kentucky at the time the Voluntary Petition was filed.

On November 16, 2009, Moore filed his Motion for Judgment to Confirm Arbitration Award. The Fayette Circuit Court ordered the matter arbitrated by an Order entered January 10, 2008. An arbitration was conducted from April 14, 2009 through April 17, 2009. On June 17, 2009, the arbitrator entered an award in favor of Moore. Moore moved to confirm the award on June 22, 2009 with the Fayette Circuit Court. The 90-day objection period had not yet run at the time the Debtor's Voluntary Petition was filed and the matter was stayed pursuant to 11 U.S.C. §362 before the arbitration award was confirmed.

This Court finds that it would be a waste of judicial resources to allow this adversary proceeding to be litigated before this Court. The matter was ordered to arbitration by the state court Judge who is most familiar with the claims asserted in this proceeding and determination as to whether the arbitration award should be confirmed should be conducted by the Fayette Circuit Court, rather than this Court. In the interest of justice and comity with the Fayette Circuit Court and respect for Kentucky state law, this Court will abstain from hearing this proceeding.

The Court will grant relief from the automatic stay of 11 U.S.C. §362 and remand this matter to the Fayette Circuit Court for further proceedings regarding liquidation of Moore's claim against Debtor.

CONCLUSION

For all of the above reasons, the Court will enter the accompanying Order granting Plaintiff Richard C. Moore relief from the automatic stay and remand this proceeding to the Fayette Circuit Court, Lexington, Kentucky for liquidation of Moore's claim against Resource Energy Technologies, LLC.

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RICHARD C. MOORE)	AP NO. 09-03077
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RESOURCE ENERGY TECHNOLOGIES, LLC)	
)	
_____ Defendant)	

ORDER

Pursuant to the Memorandum-Opinion entered this date and incorporated herein by reference,

IT IS HEREBY *SUA SPONTE* ORDERED, ADJUDGED AND DECREED that Plaintiff Richard C. Moore is granted relief from the automatic stay of 11 U.S.C. §362, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this proceeding is remanded to the Fayette Circuit Court, Lexington, Kentucky, for further proceedings consistent with the accompanying Memorandum-Opinion entered this date.