

In re Thomas Aloysius WARMUS, Debtor

**Kenneth A. Welt, Chapter 11 Trustee for the Bankruptcy
Estate of Thomas Aloysius Warmus, and Liquidating Trustee
of the Thomas Aloysius Warmus Liquidating Trust, Plaintiff,**

v.

Randall L. Leshin and Randall L. Leshin, P.A., Defendants

**No. 94-24673 BKC-RBR
Adv. No. 00-2046-BKC-RBR-A
(Cite as: 252 B.R. 584)**

Trustee sued to recover property of the Estate, pursuant to 11 U.S.C. ss 542 and 550. Trustee filed a motion to (1) strike jury demand and (2) dismiss Counts II and III of the counterclaim. The Court held that: (1) Trustee sought equitable relief, and therefore, Defendants were not entitled to a jury trial; and (2) Counts II and III of the counterclaim were not properly joined as the counts asserted claims solely against non-parties, the issues presented involved a dispute between two non-debtor parties, contained no federal or bankruptcy issues, and did not otherwise relate to the Complaint.