

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

.....
JOHN DeGROOTE SERVICES LLC and JOHN)
DeGROOTE, as liquidating trustee for and on behalf of)
the BEARINGPOINT, INC. LIQUIDATING TRUST,)

Plaintiffs,)

v.)

F. EDWIN HARBACH, *et al.*,)

Defendants.)
.....

Case No.11-CV-00959-GBL-TRJ

PLAINTIFFS’ MOTION FOR ABSTENTION AND REMAND

Plaintiffs John DeGroote Services LLC and John DeGroote (together the “Trustee” or “Plaintiffs”), as liquidating trustee for and on behalf of the BearingPoint, Inc. Liquidating Trust, by their undersigned counsel, hereby move for abstention pursuant to 28 U.S.C. § 1334(c) and for entry of an order pursuant to 28 U.S.C. § 1452(b) remanding the above-captioned proceeding back to the Circuit Court for the County of Fairfax, Virginia.

For the reasons set forth in the Memorandum in Support of Plaintiffs’ Motion for Abstention and for Remand filed herewith,¹ and incorporated herein by reference, this Court should remand the proceeding styled *John DeGroote Services LLC, et al., v. F. Edwin Harbach, et al.*, which was removed to this Court from the Circuit Court for the County of Fairfax and bearing Civil Action No. 2011-10612, for lack of federal diversity jurisdiction as claimed by the Defendants. In addition, the Court should remand the proceeding because mandatory abstention

¹ Concurrent with the filing of their Notice of Removal of this action from the Circuit Court for the County of Fairfax, Virginia to this Court, the Defendants filed a Motion to Dismiss on the Ground of *Forum Non Conveniens* Or, In the Alternative, For Transfer Under 28 U.S.C. § 1412 (the “Motion to Dismiss”). In the interest of judicial economy, Plaintiffs have consolidated their Memorandum in Support of this Motion for Abstention and Remand with their Opposition to the Motion to Dismiss.

is required. Even assuming federal subject matter jurisdiction exists and mandatory abstention is not required, the the Court should exercise its discretion to abstain from hearing the proceeding and remand the proceeding to the Circuit Court for the County of Fairfax on grounds of permissive abstention and/or equitable remand.

Respectfully submitted,

/s/ Andrew J. Terrell
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion for Abstention and Remand was served through the Court's electronic filing system and mailed by first class mail, postage prepaid, this 20th day of September, 2011 to:

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And I HEREBY CERTIFY that a true copy of the foregoing Motion for Abstention and Remand was served by first class mail, postage prepaid, this 20th day of September, 2011 to:

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