

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BANKERS INSURANCE CO., et al.,

Plaintiffs,

vs.

Case No. 8:10-cv-419-T-27EAJ

THE BANK OF NEW YORK MELLON, et al.,

Defendants.

ORDER

BEFORE THE COURT is a Report and Recommendation (Dkt. 91) on U.S. Bank N.A.'s Motion to Dismiss the Second Amended Derivative Complaint, or in the Alternative, Transfer this Action (Dkt. 77). The Magistrate Judge recommends that this action be transferred to the Northern District of Illinois. No objections have been filed.

Upon consideration of the Report and Recommendation in conjunction with an independent examination of the file, the Report and Recommendation (Dkt. 91) is adopted, confirmed, and approved in all respects and is made part of this order for all purposes, including appellate review.

(1) U.S. Bank N.A.'s Motion (Dkt. 77) is *GRANTED in part*, to the extent that this action is transferred to the Eastern Division of the Northern District of Illinois. The motion is denied in all other respects, without prejudice to refile following transfer.

(2) The clerk is directed to effect transfer and close the file.

DONE AND ORDERED this 15th day of February, 2012.


JAMES D. WHITTEMORE
United States District Judge

Copies to: Counsel of Record