

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

MARILYNN THOMASON,

Petitioner,

v.

LSF10 MASTER PARTICIPATION
TRUST,

Respondent.

Case No. 4:22-mc-00175-DCN

**ORDER ADOPTING REPORT
AND RECOMMENDATION
(DKT. 2)****I. INTRODUCTION**

On July 13, 2022, Bankruptcy Judge Joseph M. Meier issued a Report and Recommendation (“Report”), recommending (1) that the state court cases, removed to the bankruptcy court via Marilyn Thomason’s motion, be remanded back to the state court; (2) that the District Court find that the factors weigh in favor of discretionary abstention by the federal courts; and (3) that the District Court deem Thomason’s discovery motion moot because it was made in connection with the removed cases.

Any party may challenge a bankruptcy judge’s proposed recommendation by filing written objections within fourteen days after being served a copy of the report and recommendation. 28 U.S.C. § 157; Fed. R. Bankr. P. 9033(b). Here, no one filed written objections to the proposed recommendation.

II. STANDARD OF REVIEW

“[W]hen the bankruptcy court adjudicates a non-core matter, it only has the power to make proposed findings of fact and law that a district court must review de novo.” *In re Plant Insulation Co.*, 734 F.3d 900, 908 (9th Cir. 2013) (cleaned up) (citing 28 U.S.C. § 157(c)(1) and Fed. R. Bankr. P. 9033).

Federal Rule of Bankruptcy Procedure 9033(b) provides parties fourteen days to object to the proposed findings of fact and law after they have been served with a copy of the same. Thereafter, “[t]he district judge shall make a de novo review upon the record or, after additional evidence, of any portion of the bankruptcy judge’s findings of fact or conclusions of law to which specific written objection has been made in accordance with this rule.” Fed. R. Bankr. 9033(d).

III. DISCUSSION

Pursuant to Federal Rule of Bankruptcy Procedure 9033(d), the Court has undertaken a de novo review of the applicable record and finds support for Judge Meier’s analysis and conclusion on this matter. The Court incorporates by reference Judge Meier’s Report and Recommendations and adopts it as its own findings.

IV. ORDER

The Court HEREBY ORDERS:

1. The Report and Recommendation entered on July 13, 2022 (Dkt. 2) is

ADOPTED IN ITS ENTIRETY.

2. The state court cases are REMANDED back to the state court.
3. Thomason's discovery motion is MOOT.



DATED: August 29, 2022

A handwritten signature in dark ink, appearing to read "D. Nye", written over a horizontal line.

David C. Nye
Chief U.S. District Court Judge