

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THEODORE L. KESSNER, Special)
Deputy Liquidator of the Protective)
National Insurance Company of Omaha,)
)
Plaintiff,)
)
v.)
)
ONE BEACON INSURANCE CO.,)
)
Defendant.)

4:09CV3003

**MEMORANDUM
AND ORDER**

I have conducted a de novo review of Judge Piester's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and NECivR 72.3. Inasmuch as Judge Piester has fully, carefully, and correctly found the facts and applied the law, the recommendation that Plaintiff's motion for remand should be granted will be adopted. The defendant's objection will be denied.

One might write a long memorandum explaining why Judge Piester is correct, but that would waste words. It is sufficient to state that this case involves regulation of an insurance business and intervention by a federal court could screw up the comprehensive scheme Nebraska has set up to deal with matters like this one. Federal law has a bias against such meddling. Therefore,

IT IS ORDERED the report and recommendation (filing [18](#)) is adopted. The motion to remand (filing [9](#)) is granted. The defendant's objection (filing [19](#)) is denied. A separate judgment will be issued.

DATED this 18th day of May, 2009.

BY THE COURT:

s/Richard G. Kopf
United States District Judge