

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN RE:)	4:09cv3267
)	
LARRY L. & LYNNE E. BARLOW,)	(BK09-42120)
)	(Chapter 11)
Debtors.)	
)	MEMORANDUM AND ORDER
)	

On December 23, 2009, Bankruptcy Court Judge Thomas Saladino issued a report and recommendation ([filing 1](#)) recommending to this court that the debtors' motion for withdrawal of the reference be denied. Judge Saladino reasoned, in part, that cause for withdrawal was lacking as the questions involved in this case are core bankruptcy issues and that withdrawal of the reference would lead to an inefficient use of judicial resources.

No party has clearly filed an objection to the report and recommendation as allowed by [28 U.S.C. § 157](#) and NEGenR 1.5. However, on January 7, 2010, the debtors filed a joint emergency motion to stay proceedings pending decision and hearing on joint emergency motion to withdraw the reference ([filing 6](#)). On account of its content and request for relief, this motion will be liberally construed by the court as an objection to the report and recommendation. Nevertheless, having reviewed the matter, including the debtors' "objection," it is clear to the court that Judge Saladino's report and recommendation should be adopted.

Notably, Judge Saladino issued a supplemental report and recommendation ([filing 10](#)) on February 3, 2010, again suggesting that the debtors' motion for withdrawal of the reference be denied. In said supplemental report, Judge Saladino advised the court that since the filing of his last recommendation, the debtors' counsel requested permission to withdraw from the case. Judge Saladino additionally informed the court that the debtors have moved to convert the case to one under

Chapter 7, which will result in the liquidation of the bankruptcy estate's assets and would likely render the debtors' motion for withdrawal of the reference moot.

IT IS ORDERED:

1. The report and recommendation of Bankruptcy Judge Thomas Saladino ([filing 1](#)) recommending that the debtors' motion for withdrawal of the reference be denied is adopted;

2. The debtors' joint emergency motion to stay proceedings pending decision and hearing on joint emergency motion to withdraw the reference ([filing 6](#)) is denied.

February 4, 2010.

BY THE COURT:

Richard G. Kopf

United States District Judge