IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RICK D. LANGE, as Chapter 7 Trustee of the Bankruptcy Estate of TierOne Corporation,	))))	4:12CV3148
Plaintiff,	)))	MEMORANDUM AND ORDER
v.	))	
FEDERAL DEPOSIT INSURANCE CORPORATION, as Receiver for TierOne Bank,	))))	
Intervenor,	))	
v.	))	
CHARLES W. HOSKINS; CAMPBELL R. MCCONNELL; GILBERT G. LUNDSTROM; EUGENE B. WITKOWICZ; JAMES A. LAPHEN; and KPMG LLP,	))))))	
Defendants.	))	

This matter is before the Court upon the report and recommendation issued by United States Bankruptcy Judge Thomas L. Saladino on October 4, 2013 (filing 85). Judge Saladino recommends that the reference of this case to the bankruptcy court be withdrawn and the case returned to the district court for all further proceedings. No objection has been filed by any party within the time permitted by NEGenR 1.5(b)(2). I will adopt the recommendation and withdraw the reference.

Pending on the date this case was referred to the bankruptcy court, March 28, 2013, were the findings, recommendation, and order of Magistrate Judge Cheryl R. Zwart (filing 79) regarding Defendant KPMG's motion to compel arbitration and dismiss plaintiff's first amended complaint (filing 42), Defendant KPMG's previously filed motions to compel arbitration (filing 5 & 13), and Plaintiff's motion to remand (filing 30), together with a statement of objections filed by Plaintiff (filing 81). With the return of the case to the district court, these pending matters will be taken under submission and a ruling will be issued in due course.

Accordingly,

IT IS ORDERED that pursuant to the report and recommendation of the United States Bankruptcy Judge (filing 85), referral of this matter to the bankruptcy court is withdrawn and this action shall proceed in the district court.

October 24, 2013.   BY THE COURT:

                                     s/ *Richard G. Kopf*
                                     Senior United States District Judge