

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ACUITY, A MUTUAL INSURANCE
COMPANY,

Plaintiff,

vs.

JUAN C. GONZALEZ d/b/a UNITED
DRYWALL; JUAN C. GONZALEZ,
INDIVIDUALLY; and UNITED
DRYWALL, INC.;

Defendants.

4:15-CV-3029

MEMORANDUM AND ORDER

This matter is before the Court on the Report & Recommendation of the United States Bankruptcy Judge (filing 21). No objections to that report and recommendation have been filed. The failure to file an objection eliminates not only the need for de novo review, but *any* review by the Court. See *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009). Accordingly, the Court will adopt the report and recommendation of the United States Bankruptcy Judge that the referral of this matter to the Bankruptcy Court be withdrawn to proceed with the litigation against United Drywall, Inc. while staying the case as to Juan C. Gonzalez, individually and doing business as United Drywall, until the automatic stay is no longer in effect or relief from the automatic stay is requested and obtained from the Bankruptcy Court.¹

IT IS ORDERED:

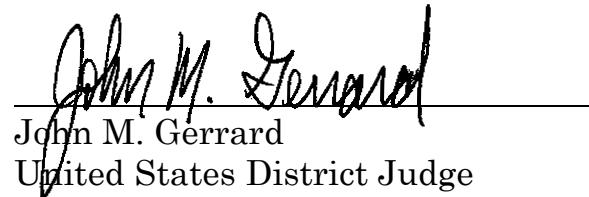
1. The report and recommendation of the United States Bankruptcy Judge (filing 21) recommending withdrawal of the reference is adopted.

¹ The parties are notified, however, that the Court may revisit the applicability of the bankruptcy stay depending on the degree to which the debtor's interests are implicated by the legal theories pursued against United Drywall, Inc. See *In re Panther Mountain Land Dev., LLC*, 686 F.3d 916, 923-24 (8th Cir. 2012) (discussing possibility of expanding automatic stay when presented with unusual circumstances where identity of interest between parties is great).

2. Reference of this case to the United States Bankruptcy Court for the District of Nebraska is withdrawn.
3. This case is stayed as to Juan C. Gonzalez, individually and doing business as United Drywall, until the stay is no longer in effect pursuant to [11 U.S.C. § 362](#), or relief from the automatic stay is requested and obtained from the United States Bankruptcy Court.
4. The parties are directed to inform the Court every 60 days of the status of the case.
5. The Clerk of the Court is directed to enter an initial status report deadline of October 19, 2015.

Dated this 18th day of August, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge