

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

IN RE:	)	Case No. BK 09-40067
	)	
FIRST AMERICANS INSURANCE	)	Adv. No. A11-04074
SERVICES, INC.,	)	
	)	Chapter 11
Debtor.	)	
	)	
THOMAS D. STALNAKER, Trustee,	)	
	)	
Plaintiff,	)	8:12CV33
	)	
v.	)	
	)	
DAN FITCH,	)	ORDER
	)	
Defendant.	)	
	)	

This matter is before the Court on the objection of defendant Dan Fitch ("Fitch") (Filing No. [3](#)) to the Report and Recommendation (Report and Recommendation) of Chief Judge Thomas L. Saladino of the United States Bankruptcy Court for the District of Nebraska (Filing No. [1](#)) denying Fitch's motion to withdraw the reference of this adversary proceeding to the bankruptcy court. Plaintiff trustee Thomas D. Stalnaker filed a brief in support of the Report and Recommendation (Filing No. [4](#)). Fitch filed a reply brief in opposition (Filing No. [5](#)), as well as a motion for stay pending this Court's consideration of the Report and Recommendation (Filing No. [6](#), with brief, Filing No. [7](#)).

In his court filings, Fitch challenges the jurisdiction of the bankruptcy court to hear this adversary claim. The Report and Recommendation advises that this Court not withdraw the reference, for the following reasons:

- (1) Most, if not all, of the plaintiff's causes of action are core proceedings which the bankruptcy court may hear and decide;
- (2) The bankruptcy court has related-to jurisdiction over any non-core proceedings raised in the case and may hear those matters, subject to limitations on its right to enter final judgment; and
- (3) The defendant's motion is an invalid substitute for a timely appeal of the adverse decision entered on his motion to dismiss.

(Report and Recommendation, at 4). Upon review of the Report and Recommendation, the briefs, and the relevant law, the Court finds that the Report and Recommendation should be adopted.

Accordingly,

IT IS ORDERED:

- 1) The Report and Recommendation of the bankruptcy judge denying Fitch's motion to withdraw the reference of this adversary proceeding to the bankruptcy court (Filing No. 1) is adopted in its entirety;
- 2) Fitch's objection (Filing No. 3) to the Report and Recommendation is overruled; and
- 3) Fitch's motion for stay (Filing No. 6) is denied as moot.

DATED this 28th day of February, 2012.

BY THE COURT:

/s/ Lyle E. Strom

---

LYLE E. STROM, Senior Judge  
United States District Court