

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICHARD D. MYERS, Chapter 7  
Trustee of the Daniel M. Malone  
bankruptcy estate,

Plaintiff,

vs.

JEANNE MALONE,

Defendant.

8:13-CV-353

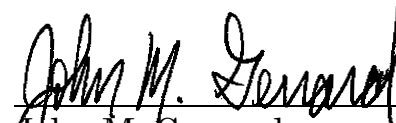
ORDER

This matter is before the Court on its own motion, noting the Supreme Court's decision in *Exec. Benefits Ins. Agency v. Arkison*, 2014 WL 2560461 (U.S. June 9, 2014). The holding of that case, as the Court understands it, is that a "core" proceeding under 28 U.S.C. § 157(b) that cannot be finally adjudicated by the bankruptcy court pursuant to *Stern v. Marshall*, 131 S. Ct. 2594 (2011), may proceed as non-core within the meaning of § 157(c), and the bankruptcy court may hear the proceeding and submit findings of fact and conclusions of law to the district court for *de novo* review. *Arkison*, 2014 WL 2560461, at \*7. The Court thus concludes that the bankruptcy court was procedurally correct to provide the Court with findings and recommendations for *de novo* review. Absent any objection, therefore, the Court will review the bankruptcy court's findings and recommendations and rule on the defendant's objection (filing 9).<sup>1</sup>

IT IS SO ORDERED.

Dated this 10th day of June, 2014.

BY THE COURT:

  
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John M. Gerrard  
United States District Judge

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<sup>1</sup> To be clear, the Court is not, at this time, rejecting the defendant's request to adduce additional evidence. See filing 10 at 3, 20. Rather, the Court will determine whether an additional hearing is appropriate when performing its *de novo* review.