

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PETER M. STARK,  
ANTHONY DIAZ,  
JAMES STENGER, as Trustees of the Preferred  
Manufacturers Insurance Trust Fund, and  
THE PREFERRED MANUFACTURERS INSURANCE  
TRUST FUND,

Plaintiffs,

v.

ORDER  
09-CV-78A

NATIONAL REINSURANCE CORPORATION,  
REPUBLIC WESTERN INSURANCE COMPANY,

Defendants.

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The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On April 7, 2010, Magistrate Judge Foschio filed a Report and Recommendation, recommending that the matter be remanded to New York State Supreme Court, Erie County.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, the matter is remanded to New York State Supreme Court, Erie County.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: April 22, 2010