IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

IN RE: SOUTH WIN, INC.,

Debtor

SOUTH WIN, INC.,

Plaintiff,

V.

U.S. UTIILTY CONTRACTOR, CO., INC.

SOUTH WIN USU, INC., and
STANELY CHLEBOWSKI

Defendants.

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES BANKRUPTCY JUDGE (CASE NUMBER 08-41279; ADVERSARY NO. 08-04112)

Came on for consideration the Report and Recommendation of the United States Bankruptcy Judge, this matter having been heretofore referred to United States Bankruptcy Judge Brenda T. Rhoades. On December 19, 2008, the Report and Recommendation of the Bankruptcy Judge was entered containing her proposed findings of fact and recommendation that this court should withdraw the reference in this bankruptcy case pursuant to 28 U.S.C. § 157(d) and that this adversary proceeding should proceed to trial by jury before the United States District Court for the Eastern District of Texas.

Having received the Report and Recommendation of the United States Bankruptcy Judge,

and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Bankruptcy Judge are correct and adopts the same as the findings and conclusions of the court. It is, therefore,

ORDERED, ADJUDGED and **DECREED** that the reference is hereby **WITHDRAWN** pursuant to 28 U.S.C. § 157(d) and that this adversary proceeding shall proceed before the United States District Court for the Eastern District of Texas.

IT IS SO ORDERED.

SIGNED this the 13th day of February, 2009.

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE