

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ALBERT A. RIEDERER, *et al.*,

Plaintiffs,

v.

Case No. 11-2456-JTM

KUTAK ROCK, L.L.P., *et al.*,

Defendants.

ORDER

The court previously denied defendant Kutak Rock's Motion to Withdraw Reference (Dkt. 2) in its Memorandum and Order dated October 3, 2011. *See* Dkt. 9. In denying the Motion, the court adopted Bankruptcy Judge Somers's previous Report and Recommendation (Dkt. 6), which suggested deferring withdrawal until the scope of the case was in sharper focus. The court noted in its Order that "withdrawal is not appropriate at this time," and that it was denying the Motion "as premature."

Judge Somers recently filed his Supplemental Report and Recommendations. Dkt. 11. The report states that the "status of this litigation has changed materially since the court's initial recommendation." Now, all four active defendants' interests are aligned, and they agree that the reference to the bankruptcy court should be withdrawn at this time. The parties have not agreed that the bankruptcy court can conduct a jury trial in this case, so it must be tried in the district court. Judge Somers now recommends that the Motion to Withdraw Reference be granted. *See* Dkt. 11.

The court adopts Judge Somers's Report and Recommendations and grants the motion. The court has already entered an Order setting the case for a scheduling conference. *See* Dkt. 21.

IT IS THEREFORE ORDERED this 31st day of July, 2013, that Kutak Rock's Motion to Withdraw Reference (Dkt. 2) is granted.

s/J. Thomas Marten
J. THOMAS MARTEN, JUDGE