

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

In re:

LARRY DEAN SMART and
MONICA GAYLE SMART,
Debtors.

Bankr. No. 12-40546

UNITED INSURANCE, INC. d/b/a
UNITED INSURANCE SERVICE and
MILFORD W. DRINKGERN,

No. 12-mc-413-SAC

Plaintiffs,

v.

Adv. No. 12-7046

LARRY DEAN SMART and
MONICA GAYLE SMART,

Defendants.

ORDER

Plaintiffs moved to withdraw the reference of this adversary proceeding and to transfer it to this Court from Bankruptcy Court (Dk. 1). Plaintiffs' motion shows that withdrawal and reference would enable this matter to be heard in conjunction with another pending civil case, No. 11-4081-CM, which is based on the same factual allegations and which involves some of the same parties.

On October 16, 2012, the Bankruptcy Judge issued a Report and Recommendation (Dk. 3), recommending that the motion be granted, that reference be withdrawn immediately, and that all proceedings be immediately transferred to the District Court so it could be heard in conjunction with Case no. 11-4081-CM. The time for filing objections to the Report and Recommendation has passed and no objections have been filed.

Accordingly, the Court adopts the Report and Recommendation of the Bankruptcy Judge, and grants the motion for withdrawal of the reference and for transfer to the District Court (Dk. 1).

IT IS SO ORDERED.

Dated this 31st day of October, 2012, at Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow, U.S. District Senior Judge