

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

In re: Mark Andrew Hobson,

Case No. 14-1053-JTM

MEMORANDUM AND ORDER

This is one of three related bankruptcy cases, each arising from the Trustee's Motion to Withdraw Reference. The Trustee seeks to transfer the action to this court, so that it may in turn certify to the Kansas Supreme Court the question of the constitutional validity of K.S.A. § 60-2315 (2012 Supp.). In a careful and considered opinion, the bankruptcy court determined that the request to withdraw reference should be denied, entering a Report and Recommendation that the bankruptcy court retain the reference on all matters.

The judges in the related cases have agreed with the Report and Recommendation, and denied the request to withdraw reference. *In re Roberts*, No. 14-1054-EFM (Dkt. 4); *In re Myers*, No. 14-1052-MLB (Dkt. 4). The court adopts the reasoning of these decisions as well as the Report and Recommendation itself. As Judge Melgren concluded, "The Bankruptcy Court's R&R demonstrates that these issues are neither unique to Kansas, nor unaddressed, nor difficult. The issue sought for certification addresses what is fundamentally a core bankruptcy proceeding, and has been consistently resolved by two Kansas Bankruptcy Judges, one Kansas federal District Judge, and the Bankruptcy Appellate Panel for the Tenth Circuit." *Id.* at 2.

IT IS ACCORDINGLY ORDERED this 8<sup>th</sup> day of April, 2014, that the Report and Recommendation of the United States Bankruptcy Court for the District of Kansas (Doc. 3) is adopted, and the Trustee's Motion to Withdraw Reference and Transfer Proceedings to the District Court (Doc. 1) is denied.

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