

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

DEEP SOUTH VEGTABLES, INC., :

Plaintiff, :

v. :

CASE NO.: 7:23-CV-69 (WLS)

BENSON HILL HOLDINGS, INC., :

Defendant. :

ORDER

On November 9, 2023 the Court received a Notice (Doc. 22) from Plaintiff/Counter-Defendant, Deep South Vegetables Inc., (“Plaintiff”), that it had filed for Chapter 12 bankruptcy protection in the Untied States Bankruptcy Court for the Middle District of Georgia, Case No. 7:23-BK-71134.

A bankruptcy filing typically operates as an automatic stay of all proceedings against the debtor. 11 U.S.C. § 362(a). When the debtor is the plaintiff the automatic stay usually does not apply to that plaintiff’s claims. *Crosby v. Monroe Cnty.*, 394 F.3d 1328, 1331 n. 2 (11th Cir. 2004) (citing 11 U.S.C. § 362(a)). But a stay would usually apply to Defendants’ counterclaims, because those claims are against the debtor. *Koolik v. Markowitz*, 40 F.3d 567, 568 (2d Cir. 1994). The Court, therefore, **ORDERS** the parties to state their positions on what impact (if any) the automatic stay has on the counterclaims asserted against Plaintiffs **no later than Tuesday, November 28, 2023**.

SO ORDERED, this 14th day of November, 2023.

/s/ W. Louis Sands
W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT