

**UNITED STATES DISTRICT COURT
STATE OF MINNESOTA**

Jeffrey Almer as trustee for the heirs of
Shirley Mae Almer,

Case No. 09-cv-00268 (MJD/JSM)

Plaintiff,

vs.

Peanut Corporation of America, a Virginia
Business entity and King Nut Companies,
an Ohio business entity,

Defendants.

**SECOND STIPULATION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE PLEAD**

WHEREAS, Plaintiff Jeffrey Almer as trustee for the heirs of Shirley Mae Almer, served a Complaint against Defendant Peanut Corporation of America (“Defendant PCA”) and Defendant Kanan Enterprises, Inc., d/b/a King Nut Companies (“Defendant Kanan”), on or about January 27, 2009;

WHEREAS, counsel for Plaintiffs agreed to grant Defendant PCA and Defendant Kanan an extension of time to answer or otherwise plead until March 10, 2009 [ECF Dkt. #2];

WHEREAS, on February 12, 2009, U.S. Magistrate Judge Susan Richard Nelson entered an order granting Defendant PCA and Defendant Kanan an extension of time to answer or otherwise plead until March 10, 2009 [ECF Dkt. #3];

WHEREAS, on February 17, 2009, Defendant PCA filed a Notice of Filing Bankruptcy by Defendant Peanut Corporation of America [ECF Dkt. #4], to which it attached as Exhibit A a copy of its Voluntary Bankruptcy Petition [ECF Dkt. #4-2]. Within such Notice, Defendant PCA notified the Court and the parties that, “[a]s a result of the bankruptcy filing by [Defendant PCA], the claims of [Plaintiff] Jeffrey Almer as trustee for the heirs of Shirley Mae Almer are stayed as a matter of law under 11 U.S.C. § 362(A).” [ECF Dkt. #4];

WHEREAS, as a result of the stay of claims against Defendant PCA, Plaintiff Jeffrey Almer as trustee for the heirs of Shirley Mae Almer and Defendant Kanan agree that a further extension of the time in which Defendant Kanan must answer or otherwise plead is appropriate.

IT IS HEREBY STIPULATED by Plaintiff Jeffrey Almer as trustee for the heirs of Shirley Mae Almer and Defendant Kanan, through their undersigned counsel, that the time within which Defendant Kanan shall answer or otherwise plead shall be extended to March 24, 2009.

Dated: March 6, 2009

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Dated: March 6, 2009

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