

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF MISSOURI
 EASTERN DIVISION

ROESLEIN & ASSOCIATES, INC. and)	
ROESLEIN ALTERNATIVE ENERGY, LLC,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:17 CV 1351 JMB
)	
THOMAS ELGIN, ELGIN MEYER)	
BIOENERGY CO., J.S. MEYER)	
ENGINEERING, P.C., and M&K CHEMICAL)	
ENGINEERING CONSULTANTS, INC.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendants Elgin Meyer-Bioenergy Co., J.S. Meyer Engineering, P.C., and M & K Engineering Consultants, Inc.’s (collectively “Defendants”) Suggestion of Bankruptcy (ECF No. 134), which the Court construes as a motion to stay these proceedings as to Defendant Thomas Elgin (“Elgin”).

In the Suggestion of Bankruptcy, Defendants indicate that Elgin filed for Chapter 7 bankruptcy in the United States District Court, Eastern District of Missouri, Bankruptcy Division, Case No. 18-46227 on September 28, 2018.¹

The Eighth Circuit follows the rule that an automatic stay under 11 U.S.C. § 362(a) “is not available to nonbankrupt codefendants, ‘even if they are in similar or factual nexus with the debtor[,]’” unless a case involves unusual circumstances. Croyden Assocs. v. Alleco, Inc., 969 F.2d 675, 677 (8th Cir. 1992); see e.g., Sav-A-Trip, Inc. v. Belfort, 164 F.3d 1137, 1139 (8th Cir.

¹ The Court takes judicial notice of the records in Elgin’s bankruptcy case. Federal courts “may take judicial notice of proceedings in other courts that relate directly to matters at issue.” Great Plains Trust Co. v. Union Pacific R.R. Co., 492 F.3d 986, 996 (8th Cir. 2007).

1999) (holding that an automatic stay applicable to a defendant firm and one of its employees did not extend to nonbankrupt codefendants). An automatic bankruptcy stay pursuant to 11 U.S.C. § 362(a)(1) applies to actions initiated against a debtor. Brown v. Armstrong, 949 F.2d 1007, 1009-10 (8th Cir. 1991). Accordingly,

IT IS HEREBY ORDERED that the instant proceedings are stayed as to Defendant Thomas Elgin pending resolution of Defendant Thomas Elgin's bankruptcy until such time as the bankruptcy proceedings have been concluded or Court action is otherwise required.

Dated this 23rd day of January, 2019.

/s/ John M. Bodenhausen
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE