

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CONSTEEL ERECTORS, INC., )  
)  
Plaintiff, )  
v. )  
)  
SCHARPF’S CONSTRUCTION, INC.; )  
KRAUS-ANDERSON )  
CONSTRUCTION COMPANY; )  
JAMES SCHARPF; JASON RUSNAK; )  
MENARDS, INC.; and TRAVELERS )  
CASUALTY AND SURETY )  
COMPANY OF AMERICA, )  
)  
Defendants. )

4:08CV3038

**MEMORANDUM  
AND ORDER**

Kraus-Anderson Construction Company, Jason Rusnak, Menards, Inc., and Travelers Casualty and Surety Company of America have filed a “suggestion of bankruptcy” stating that “they have acquired knowledge that Defendant Scharpf’s Construction has filed a petition for relief under Title 7, United States Code, in the United States Bankruptcy Court for the Northern District of Iowa . . .” ([Filing 91.](#)) Pursuant to our local rules,<sup>1</sup> this case will be referred to the United States Bankruptcy Court for the District of Nebraska for further action.

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<sup>1</sup> “Upon the filing of a suggestion in bankruptcy, or other notification that a party to a civil case is a debtor in a bankruptcy case, the entire case will be referred to the bankruptcy court of this district for further action. Under this rule, the matter shall be referred to the bankruptcy court for this district even though the suggestion of bankruptcy indicates that the bankruptcy proceeding was initiated in another district. The bankruptcy judge shall request status reports from the parties. After reviewing the status reports, the bankruptcy judge will determine whether the case should proceed in bankruptcy court or be returned to district court. If the case is to be returned to the district court, the bankruptcy judge shall file a report and recommendation concerning withdrawal of the reference. . . .” NEGenR 1.5(a)(1).

Accordingly,

IT IS ORDERED that:

1. This case is referred to the United States Bankruptcy Court for the District of Nebraska.

2. This case is removed from the District Court's trial docket for the week of July 20, 2009.

3. This case shall be terminated for statistical purposes by the Clerk of the District Court.

4. The Clerk of the District Court shall deliver the court file to the Clerk of the Bankruptcy Court for the District of Nebraska.

February 23, 2009.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge