

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MIDWEST RENEWABLE ENERGY,
LLC, a Nebraska limited liability company;

Plaintiff,

vs.

WESTERN BIOMASS ENERGY, LLC;
KL PROCESS DESIGN GROUP LLC, KL
ENERGY CORP., RANDALL P.
KRAMER,

Defendants.

7:11CV5009

MEMORANDUM AND ORDER

Plaintiff's counsel advised the court that defendant KL Energy Corporation, now doing business as Blue Sugars Corporation, filed for bankruptcy in the United States Bankruptcy Court for the District of Nevada, Case No. 13-50937 (BTB) on May 10, 2013. During a conference call held today, defense counsel confirmed that KL Energy filed for bankruptcy. Plaintiff's counsel wishes to proceed with a settlement conference as to defendant Randall P. Kramer. Defendant Kramer is appearing pro se in this litigation, but is represented by South Dakota counsel in a companion state case.

The undersigned magistrate judge remains willing to conduct a settlement conference between the plaintiff and defendant Kramer, but it is unclear if defendant Kramer wishes to appear at that conference pro se or with counsel. The settlement conference cannot be scheduled without first answering that question.

Accordingly,

IT IS ORDERED:

- 1) Plaintiff's counsel will contact defendant Kramer's South Dakota counsel in the companion case to determine how this court should proceed with scheduling a settlement conference.

- 2) The settlement conference in this case is continued pending receipt of further information from plaintiff's counsel and an additional scheduling order from this court.
- 3) Defendant KL Energy Corporation shall file a Suggestion of Bankruptcy in this case, and shall immediately advise this court if the bankruptcy stay for this litigation is lifted.

May 14, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge