

U.S. Bankruptcy Court
District of Kansas (Kansas City)
Adversary Proceeding #: 09-06052
Internal Use Only

Assigned to: Judge Robert D. Berger
Lead BK Case: [07-22733](#)
Lead BK Title: E3 BioFuels-Mead, LLC
Lead BK Chapter: 11
Demand:

Date Filed: 12/04/07
Date Transferred: 05/19/09

Nature[s] of Suit: 02 Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)

Plaintiff

E3 Biofuels-Mead LLC
fka Nebraska Bioclean-Mead, LLC

represented by **Lee R. Hardee, III**
5425 Martindale, Ste 100
Shawnee, KS 66218
(913) 441-1800
Fax : (913) 441-5980
TERMINATED: 02/11/2009
LEAD ATTORNEY

Mary C O'Connell
903 E 104th St
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Kansas City, MO 64131
816-941-7600
Email: moconnell@dfrglaw.com

Stephen D. Mossman
Mattson, Ricketts, Davies, Stewart
134 S 13th St, Suite 1200
Lincoln, NE 68508
(402) 475-8433
Fax : (402) 475-0105
TERMINATED: 03/22/2012
LEAD ATTORNEY

V.

Defendant

Skinner Tank

represented by **Benjamin F. Mann**
Husch Blackwell Sanders LLP
P. O. Box 419777
4801 Main Street, Suite 1000
Kansas City, MO 64141-6777
(816) 983-8000
Fax : 816-983-8080
Email: benjamin.mann@huschblackwell.com

Michael J Mullen
10050 Regency Circle, Ste 111
Omaha, NE 68114
(402) 341-1080
Fax : (402) 341-8052
TERMINATED: 02/13/2009
LEAD ATTORNEY

Patrick R. Turner

Husch Blackwell Sanders LLP
1620 Dodge St Ste 2100
Omaha, NE 68102
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Fax : (402) 964-5050
Email: patrick.turner@huschblackwell.com
LEAD ATTORNEY

Thomas H. Dahlk

Husch Blackwell Sanders LLP
1520 Dodge St, Suite 2100
Omaha, NE 68102
(402) 964-5000
Fax : (402) 964-5050
LEAD ATTORNEY

Counter-Claimant

Skinner Tank

represented by **Michael J Mullen**
(See above for address)
TERMINATED: 02/13/2009
LEAD ATTORNEY

Thomas H. Dahlk

(See above for address)
LEAD ATTORNEY

V.

3rd Party Plaintiff

Skinner Tank

represented by **Benjamin F. Mann**
(See above for address)

Michael J Mullen
(See above for address)
TERMINATED: 02/13/2009
LEAD ATTORNEY

Patrick R. Turner

(See above for address)
LEAD ATTORNEY

V.

Counter-Defendant

E3 Biofuels-Mead LLC

represented by **Lee R. Hardee, III**
(See above for address)
TERMINATED: 02/11/2009
LEAD ATTORNEY

Mary C O'Connell

(See above for address)

Stephen D. Mossman

(See above for address)
TERMINATED: 03/22/2012

LEAD ATTORNEY

V.

3rd Pty Defendant**Dilling Mechanical Contractors, Inc.**represented by **Robert C. Reiling, Jr.**

Reiling Teder LLC
 415 Columbia Street
 Suite 3000
 PO Box 280
 Lafayette, IN 47902-0280
 (765) 423-5333
 Fax : (765) 423-4564
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 LEAD ATTORNEY

Russell A. Westerhold

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Stephen M. Bruckner

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 LEAD ATTORNEY

Creditor Committee**Official Unsecured Creditor's Committee of E-3 Biofuels-Mead, LLC** represented by **Frank Wendt**

Brown & Ruprecht, PC
 911 Main Street Ste 2300
 Kansas City, MO 64105
 (816) 292-7000
 Fax : (816) 292-7050
 Email: fwendt@brlawkc.com

Filing Date	#	Docket Text
12/04/2007	1	Adversary case 09-06052. Complaint TRANSFERRED FROM U.S. DISTRICT COURT 8:06-CV-00706-JFB-TDT Received over the Counter, by E3 Biofuels-Mead against Skinner Tank. Receipt Number o, Fee Amount \$0.00 Nature(s) of Suit: (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Attachments: 1 Suggestion of Bankruptcy 2 Complaint 3 Complaint Attachment 14 Complaint Attachment 25 Complaint Attachment 36 Civil Docket Sheet) **Case Transferred from DNE to DKS**(kjc) (Entered: 05/19/2009)
12/18/2007	2	Order Re: <i>Complaint filed by E3 Biofuels-Mead</i> . Status report due 1/18/2008. Signed on 12/18/2007 (kjc) (Entered: 05/19/2009)
01/18/2008	3	Notice of Appearance and Request for Notice by Filed by Patrick R. Turner on behalf of Skinner Tank . (kjc) (Entered: 05/19/2009)

01/18/2008	4	Notice of Appearance and Request for Notice Filed by Russell A. Westerhold on behalf of Third-Party Defendant Dilling Mechanical Contractors, Inc. . (kjc) (Entered: 05/19/2009)
01/18/2008	5	Status Report Filed by Russell A. Westerhold on behalf of Dilling Mechanical Contractors, Inc. (kjc) (Entered: 05/19/2009)
01/18/2008	6	Certificate of Service Filed by Patrick R. Turner on behalf of Skinner Tank (<i>RE: related document(s)</i> 3 <i>Notice of Appearance and Request for Notice by Filed by Patrick R. Turner on behalf of Skinner Tank.</i>) (kjc) (Entered: 05/19/2009)
01/18/2008	7	Status Report Filed by Patrick R. Turner on behalf of Skinner Tank. (kjc) (Entered: 05/19/2009)
01/25/2008	8	Status Report Filed by Lee R. Hardee III on behalf of E3 Biofuels-Mead LLC. (kjc) (Entered: 05/19/2009)
01/31/2008	9	Order Re: <i>Complaint filed by Plaintiff E3 Biofuels-Mead LLC</i> . Until either the debtor files a motion for removal or one of the other parties files a motion for relief from the automatic stay, there is no reason for this court to take any action regarding the matter. If relief from the automatic stay is granted, and this court is notified, it will recommend that the reference be withdrawn. If, on the other hand, the motion for removal is successful, upon appropriate notice, this court will transfer the case to either the bankruptcy court or the district court in the District of Kansas. No further action will be taken pending notice from the parties with regard to the above. (See complete order.) Signed on 1/31/2008 (kjc) (Entered: 05/19/2009)
02/28/2008	10	Motion to Change Venue and/or Remove Filed by Counter-Defendant E3 Biofuels-Mead LLC and Plaintiff E3Biofuels-Mead. (kjc) (Entered: 05/19/2009)
03/06/2008	11	Notice Pursuant to Neb. R. Bankr. P. 9013-1 <i>Notice of Filing and Notice Setting Objection/Resistance Deadline</i> by Stephen D. Mossman Filed by Plaintiff E3 Biofuels-Mead LLC and Counter-Defendant E3 Biofuels-Mead LLC (<i>RE: related document(s)</i> 10 <i>Motion to Change Venue and/or Remove Filed by Counter-Defendant E3 Biofuels-Mead LLC and Plaintiff E3Biofuels-Mead.</i>). Objections due by 3/26/2008. (kjc) (Entered: 05/19/2009)
03/26/2008	12	Resistance to (<i>related document(s):</i> 10 <i>Motion for Change Venue and/or Remove filed by Counter-Defendant E3 Biofuels-Mead LLC, Plaintiff E3 Biofuels-Mead LLC</i>) Filed by 3rd Pty Defendant Dilling Mechanical Contractors, Inc. (kjc) (Entered: 05/19/2009)
03/26/2008	13	Objection to (<i>related document(s):</i> 10 <i>Motion for Change Venue and/or Remove filed by Counter-Defendant E3 Biofuels-Mead LLC, Plaintiff E3 Biofuels-Mead LLC</i>) Filed by Defendant Skinner Tank , 3rd Party Plaintiff Skinner Tank (kjc) (Entered: 05/19/2009)
04/09/2008	14	Hearing Set On (<i>RE: related document(s)</i> 10 <i>Motion to Change Venue and/or Remove Filed by Counter-Defendant E3 Biofuels-Mead LLC and Plaintiff E3Biofuels-Mead.</i>). Hearing scheduled for 4/28/2008 at 11:00 AM at Omaha Courtroom-Telephonic Hearing. Affidavit evidence deadline 4/23/2008. (kjc) (Entered: 05/19/2009)
04/29/2008	15	Order Re: <i>related document</i> 10 <i>Motion to Change Venue and/or Remove Filed by Counter-Defendant E3 Biofuels-Mead LLC and Plaintiff E3Biofuels-Mead. filed by Counter-Defendant E3 Biofuels-Mead LLC, Plaintiff E3 Biofuels-Mead LLC.</i> Hearing held April 28, 2008. Appearances: Stephen Mossman, Lee Hardee III, Jeffrey Deines, Michael Muller, Russell Westerhold. Ruling: Hearing continued until parties request a hearing. HEREBY ORDERED by Judge TIMOTHY J. MAHONEY. (Text only order) Signed on 4/29/2008 (kjc) (Entered: 05/19/2009)
11/20/2008	16	Order Re: <i>related document</i> 1 <i>Complaint filed by Plaintiff E3 Biofuels-Mead LLC and related document</i> 10 <i>Motion to Change Venue and/or Remove Filed by Counter-Defendant E3 Biofuels-Mead LLC and Plaintiff E3Biofuels-Mead.</i> By December 15, 2008, the parties are requested to file a joint status report regarding the bankruptcy case and the pending motion to change venue in this adversary proceeding. HEREBY ORDERED by Judge TIMOTHY J. MAHONEY. (Text only order) Signed on 11/20/2008 (kjc) (Entered: 05/19/2009)
11/20/2008	17	Entry (RE: related document(s) 16 Administrative Order Text Only). Order filing 16 was mailed to Stephen M. Bruckner, Fraser, Stryker Law Firm, 409 So. 17th St., Ste. 500, Energy Plz., Omaha, NE

		68102; Russell A. Westerhold, Fraser Stryker Meusey Olson Boyer Bloch, 500 Energy Plaza, 409 South 17th Street, Omaha, NE 68102; Robert C. Reiling, Reiling, Teder Law Firm, 415 Columbia St., Ste. 3000, Lafayette, IN 47902; Thomas H. Dahlk, Blackwell Sanders PeperMartin, 1620 Dodge Street, Suite 2100, Omaha, NE 68102 on November 20, 2008 by the Courtroom Dept. (kjc) (Entered: 05/19/2009)
12/15/2008	18	Status Report Filed by Russell A. Westerhold on behalf of Dilling Mechanical Contractors, Inc. (kjc) (Entered: 05/19/2009)
12/15/2008	19	Status Report Filed by Stephen D. Mossman on behalf of E3 Biofuels-Mead LLC. (kjc) (Entered: 05/19/2009)
01/08/2009	20	Motion to Withdraw as Attorney <i>Lee Hardee</i> Filed by Plaintiff E3 Biofuels-Mead LLC , Counter-Defendant E3 Biofuels-Mead LLC (kjc) (Entered: 05/19/2009)
01/14/2009	21	Notice of Notice of Non-Compliance (RE: related document(s) 20 Motion to Withdraw as Attorney filed by Plaintiff E Biofuels-Mead, Counter-Defendant E Biofuels-Mead) (kjc) (Entered: 05/19/2009)
01/19/2009	22	Motion to Withdraw as Attorney <i>Lee Hardee</i> Filed by Plaintiff E3 Biofuels-Mead LLC , Counter-Defendant E3 Biofuels-Mead LLC (kjc) (Entered: 05/19/2009)
01/19/2009	23	Notice Pursuant to Neb. R. ankr. P. 9013-1 by Stephen D. Mossman Filed by Plaintiff E3 Biofuels-Mead LLC , Counter-Defendant E3 Biofuels-Mead LLC (RE: related document(s) 22 Motion to Withdraw as Attorney <i>Lee Hardee</i> Filed by Plaintiff E3 Biofuels-Mead LLC , Counter-Defendant E3 Biofuels-Mead LLC). Objections due by 2/8/2009. (kjc) (Entered: 05/19/2009)
01/22/2009	24	Motion to Withdraw as Attorney Filed by Defendant Skinner Tank, 3rd Party Plaintiff Skinner Tank (kjc) (Entered: 05/19/2009)
02/11/2009	25	Order Granting Motion To Withdraw As Attorney, Lee Hardee on behalf of Plaintiff (Related Doc # 22). The pleading was duly filed, served and noticed pursuant to local rules. No timely resistance/objection was filed. Movant is responsible for giving notice to parties in interest as required by rule or statute. HEREBY ORDERED by Judge TIMOTHY J. MAHONEY. (Text only order) Signed on 2/11/2009. (kjc) (Entered: 05/19/2009)
02/13/2009	26	Order Granting Motion To Withdraw As Attorney, Michael J. Mullen, attorney of record for Defendant Skinner Tank Company (Related Doc # 24). The pleading was duly filed, served and noticed pursuant to local rules. No timely resistance/objection was filed. Movant is responsible for giving notice to parties in interest as required by rule or statute. HEREBY ORDERED by Judge TIMOTHY J. MAHONEY. (Text only order) Signed on 2/13/2009. (kjc) (Entered: 05/19/2009)
02/18/2009	27	Certificate of Service Filed by Patrick R. Turner on behalf of Skinner Tank (RE: related document(s) 26 Order Granting Motion To Withdraw As Attorney, Michael J. Mullen) (kjc) (Entered: 05/19/2009)
03/25/2009	28	Status Hearing Set On (RE: related document(s) 1 Complaint filed by Plaintiff E3 Biofuels-Mead, 18 Status Report filed by 3rd Pty Defendant Dilling Mechanical Contractors, Inc., 19 Status Report filed by Plaintiff E3 Biofuels-Mead, Counter-Defendant E Biofuels-Mead). Hearing scheduled for 4/20/2009 at 11:00 AM in the Roman L. Hruska Courthouse, 2nd Floor, Bankruptcy Courtroom #8, 111 S 18th Plaza, Omaha, Nebraska. Parties may participate by telephone. The court will set up the telephone connections. (kjc) (Entered: 05/19/2009)
04/20/2009	29	Hearing April 20, 2009 Continued (RE: related document(s) 1 Complaint filed by Plaintiff E3 Biofuels-Mead, 18 Status Report filed by 3rd Pty Defendant Dilling Mechanical Contractors, Inc., 19 Status Report filed by Plaintiff E3 Biofuels-Mead, Counter-Defendant E3 Biofuels-Mead). Telephonic Status Hearing is rescheduled for 5/7/2009 at 10:00 AM at Omaha Courtroom-Telephonic Hearing. Parties wishing to participate shall notify the courtroom dept.(402-661-7475) by 5/5/2009. (kjc) (Entered: 05/19/2009)
04/20/2009	29	Hearing April 20, 2009 Continued (RE: related document(s) 1 Complaint filed by Plaintiff E3 Biofuels-Mead, 18 Status Report filed by 3rd Pty Defendant Dilling Mechanical Contractors, Inc., 19 Status Report filed by Plaintiff E3 Biofuels-Mead, Counter-Defendant E3 Biofuels-Mead).

		Telephonic Status Hearing is rescheduled for 5/7/2009 at 10:00 AM at Omaha Courtroom-Telephonic Hearing. Parties wishing to participate shall notify the courtroom dept.(402-661-7475) by 5/5/2009. (kjc) (Entered: 05/19/2009)
04/20/2009	30	Entry (RE: related document(s) 29 Notice of Rescheduled Hearing). This was mailed by the court to Stephen M. Bruckner, Thomas H. Dahlk, Carl R. Clark and Jeffrey A. Deines, and Robert C. Reiling. (kjc) (Entered: 05/19/2009)
05/07/2009	31	Order (Related Doc # 10). (Adversary proceeding was transferred from the United States District Court for the District of Nebraska). IT IS ORDERED that the Clerk of the Bankruptcy Court for the District of Nebraska is directed to transfer this case to the Clerk of the Bankruptcy Court in the District of Kansas at Kansas City, Kansas. HEREBY ORDERED by Judge Timothy J. Mahoney. (See pdf) Signed on 5/7/2009. DNE Case No. 07-8081. (kjc) (Entered: 05/19/2009)
05/19/2009		(private) Deadlines terminated., Documents terminated. . (kjc) (Entered: 05/19/2009)
07/08/2009	32	Notice of Appearance and Request for Notice by Frank Wendt with Certificate of Service Filed by Creditor Committee Official Unsecured Creditor's Committee of E-3 Biofuels-Mead, LLC. (Wendt, Frank) (Entered: 07/08/2009)
06/22/2010		(private) Emailed counsel for status. . (kms) (Entered: 06/22/2010)
01/14/2011		(private) Spoke with Mr. Mossman in Nebraska, Jeff Deines to represent E-3 in adversary matter. Left message for Mr. Deines to call. . (ksv) (Entered: 01/14/2011)
03/22/2012	33	Notice of Substitution of Attorney. Filed by Plaintiff E3 Biofuels-Mead LLC, Counter-Defendant E3 Biofuels-Mead LLC. (O'Connell, Mary) (Entered: 03/22/2012)
03/22/2012	34	**WITHDRAWN** Motion for Intra-district Transfer of Case To United States District Court for the District of Kansas <i>and Motion to Substitute Parties</i> Filed by Plaintiff E3 Biofuels-Mead LLC, Counter-Defendant E3 Biofuels-Mead LLC (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C) (O'Connell, Mary) Modified on 3/26/2012 (kjc). (Entered: 03/22/2012)
03/23/2012	35	Notice to Withdraw Document Filed by Plaintiff E3 Biofuels-Mead LLC, Counter-Defendant E3 Biofuels-Mead LLC (RE: related document(s) 34 Motion for Intra-district Transfer of Case To United States District Court for the District of Kansas and Motion to Substitute Parties Filed by Plaintiff E3 Biofuels-Mead LLC, Counter-Defendant E3 Biofuels-Mead LLC). (O'Connell, Mary) (Entered: 03/23/2012)
03/23/2012	36	Motion to Substitute Party , in addition to Motion for Withdrawal of Reference . Fee Amount \$176 Filed by Plaintiff E3 Biofuels-Mead LLC, Counter-Defendant E3 Biofuels-Mead LLC (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C) (O'Connell, Mary) (Entered: 03/23/2012)
03/23/2012		Receipt of filing fee for Motion for Withdrawal of Reference(09-06052) [motion,mwdref] (176.00). Receipt number 8595824,amount \$ 176.00. (U.S. Treasury) (Entered: 03/23/2012)
03/26/2012		(private) Documents terminated. . (ktb) (Entered: 03/26/2012)
03/26/2012		(private) Response Deadline Updated (RE: related document(s) 36 Motion to Substitute Party , in addition to Motion for Withdrawal of Reference . Fee Amount \$176 Filed by Plaintiff E3 Biofuels-Mead LLC, Counter-Defendant E3 Biofuels-Mead LLC filed by Counter-Defendant E3 Biofuels-Mead LLC, Plaintiff E3 Biofuels-Mead LLC). Responses due by 4/6/2012. (ksf) (Entered: 03/26/2012)
03/26/2012		(private) Deadline Updated . Reply Brief due by 4/20/2012. (ksf) (Entered: 03/26/2012)
04/11/2012	37	Agreed Motion to extend time Time to file a responsive pleading to Plaintiffs Motion to Transfer Action to District Court Filed by Defendant Skinner Tank, 3rd Party Plaintiff Skinner Tank (Mann, Benjamin) (Entered: 04/11/2012)
04/25/2012	38	Order Granting Motion to Extend/Shorten Time (Related Doc # 37) Signed on 4/25/2012. (ktb) (Entered: 04/26/2012)

04/26/2012		(private) Objection/Response Deadline Updated (RE: related document(s) 36 Motion to Substitute Party , in addition to Motion for Withdrawal of Reference . Fee Amount \$176 Filed by Plaintiff E3 Biofuels-Mead LLC, Counter-Defendant E3 Biofuels-Mead LLC filed by Counter-Defendant E3 Biofuels-Mead LLC, Plaintiff E3 Biofuels-Mead LLC). Responses due by 4/30/2012. (ktb) (Entered: 04/26/2012)
04/26/2012		(private) Deadlines terminated. . (ktb) (Entered: 04/26/2012)
04/27/2012	39	Amended Motion/Application (related document(s): 36 Motion to Substitute Party filed by Counter-Defendant E3 Biofuels-Mead LLC, Plaintiff E3 Biofuels-Mead LLC, Motion for Withdrawal of Reference . Fee Amount \$176) , Agreed Motion for Inter-district Transfer of Case To United States District Court for the District of Nebraska Filed on behalf of Plaintiff E3 Biofuels-Mead LLC, Counter-Defendant E3 Biofuels-Mead LLC, with Certificate of Service.(O'Connell, Mary) (Entered: 04/27/2012)
04/28/2012	40	BNC Certificate of Mailing - PDF Document. (RE: related document(s) 38 Order on Motion to Extend/Shorten Time) Notice Date 04/28/2012. (Admin.) (Entered: 04/29/2012)
05/24/2012	41	Order Granting Motion To Transfer Case (Related Doc # 39) Signed on 5/24/2012. (ktb) (Entered: 05/24/2012)
05/24/2012		(private) Deadlines terminated. . (ktb) (Entered: 05/24/2012)