

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)
)
 WILLIAM H. GREEN,)
)
 Debtor(s).)
 _____)
 MARLIN D. LUSTGRAAF,)
)
 Plaintiff,)
)
 vs.)
)
 BRYAN S. BEHRENS and SUNSET)
 FINANCIAL SERVICES, INC.,)
)
 Defendants.)
)
 SUNSET FINANCIAL SERVICES, INC.,)
)
 Third-party Plaintiff,)
)
 vs.)
)
 WILLIAM H. GREEN,)
)
 Third-party Defendant.)

CASE NO. BK12-81071-TJM
 A12-8030-TJM
 8:08CV335
 CHAPTER 7

ORDER

Hearing was held in Omaha, Nebraska, on November 15, 2012, regarding Fil. #53, Motion to Stay Pending Appeal, filed by Sunset Financial Services, Inc., Fil. #61, Resistance, filed by William H. Green, and Fil. #62, Objection, filed by Marlin D. Lustgraaf. Lauren R. Goodman and Patrick E. Brookhouser appeared for Marlin D. Lustgraaf; John W. Shaw, Michael J. Whaley and Ken Duvall appeared for Sunset Financial Services, Inc.; Anna M. Bednar and Robert F. Craig appeared for William H. Green; and J.P. Sam King appeared for Richard D. Myers, Trustee.

The motion for stay pending appeal is denied. The district court has withdrawn the reference regarding the main case. The bankruptcy court has no jurisdiction over the main case because it has been withdrawn by the district court. The third-party case has been stayed at the bankruptcy court level. No action will be taken on that matter at this time in the bankruptcy court. The appeal by Sunset Financial Services, Inc., concerning the severance of the third-party case may be prosecuted in the district court without the entry of a stay in the bankruptcy court.

IT IS ORDERED that the Motion to Stay Pending Appeal, Fil. #53, is denied.

DATED: November 16, 2012

BY THE COURT:

/s/ Timothy J. Mahoney
United States Bankruptcy Judge

Notice given by the Court to:

Lauren R. Goodman
Patrick E. Brookhouser, Jr.
*John W. Shaw
*Michael J. Whaley
*Ken Duvall
Anna Bednar
Robert F. Craig
J.P. Sam King

*Movant is responsible for giving notice to other parties if required by rule or statute.