

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

IN RE:

GARY M. & JOYCE BURIVAL,  
RICHARD BURIVAL & PHILLIP  
BURIVAL, d/b/a BURIVAL BROTHERS,  
a Partnership,

Debtors.

8:10CV298

BK07-42271  
A10-4008

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RICK D. LANGE, Chapter 11, Trustee,

Plaintiff/Appellee,

vs.

JAMES WIDTFELDT,

\_\_\_\_\_  
Defendant/Appellant

MEMORANDUM AND ORDER

This matter is before the court on defendant/appellant James Widtfeldt's motion to allow additional days to file his appeal to the Eighth Circuit. Filing No. [15](#). This court filed its Memorandum and Order on June 8, 2011. Filing No. [9](#). On July 12, 2011, defendant filed his notice of appeal. Filing No. [11](#). The case was forwarded to the Eighth Circuit Court of Appeals for processing. Filing No. [13](#). Thereafter, on July 28, 2011, defendant filed a motion to allow any additional days for appeal. Filing No. [15](#). The motion was forwarded to the Eighth Circuit. The Eighth Circuit Clerk's office has asked this court to rule on the motion.

The court has carefully reviewed the request for the additional days. The court finds the motion should be granted. In accordance with [Fed. R. App. P. 4\(5\)](#), the court finds the request was made within 30 days of the prescribed time and, accordingly, the motion will be granted.

THEREFORE, IT IS ORDERED that defendant's appeal, Filing No. [15](#), is granted.  
Defendant's appeal is deemed filed on July 12, 2011.

DATED this 16<sup>th</sup> day of December, 2011.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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