

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PETER KIEWIT SONS', INC.,

Plaintiff,

vs.

WALL STREET EQUITY GROUP,
INC., WALL STREET GROUP OF
COMPANIES, INC., SHEPHERD
FRIEDMAN and STEVEN S. WEST,

Defendants.

8:10-CV-365

ORDER

This matter is before the Court on the Suggestion of Bankruptcy filed by Wall Street Private Equity Group, Inc. (filing [327](#)). The Court finds that no action is required based upon the suggestion of bankruptcy, and it will be dismissed without prejudice.

The automatic stay provision of the Bankruptcy Code, [11 U.S.C. § 362\(a\)](#), provides that a bankruptcy petition operates as a stay to the commencement or continuation of judicial proceedings "against the debtor" and proceedings against "property of the [bankruptcy] estate." Similarly, [NEGenR 1.5](#) requires referral of pending proceedings to the United States Bankruptcy Court upon the filing of a suggestion in bankruptcy that "a party to a civil case is a debtor in a bankruptcy case."

The debtor, Wall Street *Private* Equity Group, is not a party to these proceedings, nor are these proceedings currently directed "against the debtor" in any way. Nor is there any reason to believe that, at this time, these proceedings involve property of the debtor's bankruptcy estate. [Neither 11 U.S.C. § 362\(a\)](#) nor [NEGenR 1.5](#) are implicated by this debtor's bankruptcy. In short, the debtor's suggestion of bankruptcy is, at this time, immaterial to this case.

Therefore, the Court will dismiss the suggestion of bankruptcy, without prejudice to the debtor's ability to assert the automatic stay against any action that might be taken in the future against the debtor or property of the debtor's estate, should such action be taken and should the bankruptcy proceedings still be ongoing at that time.

IT IS ORDERED:

1. Wall Street Private Equity Group, Inc.'s, Suggestion of Bankruptcy (filing [327](#)) is dismissed without prejudice.

Dated this 31st day of October, 2012.

BY THE COURT:

s/ John M. Gerrard _____
John M. Gerrard
United States District Judge