

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**BRADY KEITH, Individually and on
behalf of a class,**

Plaintiff,

vs.

**BACK YARD BURGERS OF NEBRASKA,
INC., BACKYARD BURGERS, INC., and
DOES 1-10,**

Defendants.

CASE NO. 8:11CV135

ORDER

This matter is before the Court on the Suggestions of Bankruptcy (Filing Nos. 93, 94)¹ filed by Defendant Back Yard Burgers of Nebraska, Inc. Attached to the Suggestion is a copy of the chapter 11 bankruptcy petition that Defendant Back Yard Burgers, Inc., filed on October 17, 2012, with the United States Bankruptcy Court for the District of Delaware. (Filing No. 94-1.) Pursuant to NENGenR 1.5(a),² and 28 U.S.C. § 157, this matter will be referred to the United States Bankruptcy Court for the District of

¹ The Suggestion in Bankruptcy found at Filing No. 93 is identical to the Suggestion in Bankruptcy found at Filing No. 94, except that Backyard Burger of Nebraska, Inc.'s Voluntary Bankruptcy Petition is only attached to Filing No. 94.

²

Upon the filing of a suggestion in bankruptcy, or other notification that a party to a civil case is a debtor in a bankruptcy case, the entire case is referred to the bankruptcy court for further action. Under this rule, the matter is referred to the bankruptcy court even if the suggestion of bankruptcy states the bankruptcy proceeding was initiated in another district. The bankruptcy judge requests status reports from the parties. After reviewing the status reports, the bankruptcy judge determines whether the case should proceed in the bankruptcy court or be returned to the district court. If the case is to be returned to the district court, the bankruptcy judge files a report and recommendation concerning withdrawal of the reference. The report includes a recommendation regarding the necessity of the debtor's participation in the case, and, if appropriate, the bankruptcy judge enters an order in the bankruptcy case granting relief from the automatic stay to allow the case to proceed with the debtor as a party.

NENGenR 1.5(a).

Nebraska, and pursuant to NECivR 7.6,³ all motions pending as of this date will be dismissed, without prejudice to refiling. Accordingly,

IT IS ORDERED:

1. This case is referred to the United States Bankruptcy Court for the District of Nebraska;
2. All motions pending as of this date are denied without prejudice to refiling;
3. This case shall be terminated for statistical purposes by the Clerk of the Court for the District of Nebraska; and
4. The Clerk of the Court for the District of Nebraska shall transmit the court file to the Clerk of the Bankruptcy Court for the District of Nebraska.

Dated this 19th day of September, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge

³ “When a district judge refers a case with pending motions to . . . the bankruptcy court, the clerk is authorized to enter a text-only order (a) automatically denying all pending motions as of the date of the reference and (b) stating that the denial is made under this rule and without prejudice to refiling.” NECivR 7.6.