

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

RICHARD P. GARDEN, JR., Trustee,)
)
Plaintiff,)
)
v.)
)
CENTRAL NEBRASKA HOUSING)
CORP., PINNACLE BANK OF)
NEWCASTLE WYOMING, SECURITY)
FIRST BANK, RICK ROBERTS,)
LORETTA SUE ROBERTS, JOHN)
ZAPATA, COLJO INVESTMENTS,)
LLC, PINNACLE BANK, and)
UNVERZAGT FEED LOT,)
Defendants.)

CASE NO. 8:11CV292

ORDER

This matter is before the Court on the Joint Motion to Extend Time with respect to Motion for Sanctions (Filing No. 83) filed by Defendants Rick and Loretta Sue Roberts. On March 13, 2012, the Robertses filed their Motion for Sanctions (Filing No. 77) under section 105(a), 362(k), and 524(a) of the Bankruptcy Code,¹ under Federal Rule of Civil Procedure 37, and under Federal Rule of Bankruptcy Procedure 7037 against Defendants Central Nebraska Housing Corp. (“CNH”) and John Zapata.

In the Joint Motion to Extend, the Robertses, CNH, and Zapata have represented that the Robertses have learned of new documents they believe should be made part of the record on their Motion for Sanctions, and that they believe CNH and Zapata should have an opportunity to address those additional documents when responding to the Motion for Sanctions. As a result, the Robertses, CNH, and Zapata request that (1) the Robertses be given until April 6, 2012, to supplement and/or amend the Motion for Sanctions, (2)

¹11 U.S.C. §§ 105(a), 362(k), 524(a).

CNH and Zapata be given seventeen days to file their responsive brief from the date the Robertses supplement and/or amend their Motion for Sanctions, and that (3) the Robertses be given five days to reply to CNH and Zapata's responsive brief. Although the Motion for Sanctions concerns only the Robertses, CNH, and Zapata, other parties to this action are entitled to some of the \$166,500.00 deposited with the Clerk of Court, and they are waiting for their funds to be distributed.

Accordingly,

IT IS ORDERED:

1. The Joint Motion to Extend Time with respect to Motion for Sanctions (Filing No. 83) is granted, as follows:
 - a. Defendants Rick and Loretta Sue Roberts shall file an amended motion for sanctions on or before April 6, 2012;
 - b. Defendants Central Nebraska Housing Corp. and John Zapata shall file their brief in response to the amended motion for sanctions on or before April 23;
 - c. Defendants Rick and Loretta Sue Roberts shall file their reply brief in support of their amended motion for sanctions on or before April 30, 2012; and
2. Pursuant to the parties Stipulation (Filing No. 62) and the Findings of Fact and Conclusions of Law (Filing No. 82), the Clerk of this Court is directed to release the deposited funds, as follows:
 - a. \$47,732.30 to Defendant Pinnacle Bank, and send it to Pinnacle Bank's counsel at the following address:

Pinnacle Bank, c/o James M. Carney
Simmons, Olsen Law Firm, P.C.
1502 2nd Avenue
Scottsbluff, NE 69361-3174;
 - b. \$2,507.08 to Plaintiff Richard P. Garden, Jr., and send it to the following address:

Richard P. Garden, Jr.
Cline Williams Wright Johnson & Oldfather, L.L.P
1900 U.S. Bank Building
233 South 13th Street
Lincoln, NE 68508-2095; and

- c. What remains of the \$166,500.00 deposited with the Clerk of Court shall be retained by the Clerk of Court until further Court order.

DATED this 30th day of March, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge