

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

CHS INC.,

Plaintiff,

vs.

**ABENGOA BIOENERGY NEW
TECHNOLOGIES, LLC, ABENGOA
BIOENERGY COMPANY, LLC, and
ABENGOA BIOENERGY OF
NEBRASKA, LLC,**

Defendants.

8:15CV429

ORDER

This matter is before the Court on the Suggestion of Bankruptcy (Filing No. 25) filed by Plaintiff CHS, Inc., stating that a Chapter 7 bankruptcy petition was filed against Defendant Abengoa Bioenergy Company, LLC in the United States Bankruptcy Court for the District of Kansas (“Kansas Bankruptcy Court”), in Case No. 16-20178-7 (the “Kansas Chapter 7 Petition”) on February 11, 2016.

NEGenR 1.5(a)(1) requires that the Court stay further proceedings in this case as to Defendant Abengoa Bioenergy Company, LLC, but the Rule allows the case to proceed as to any parties not in bankruptcy. Based upon the parties’ stipulation (Filing No. 23), requesting that the Court suspend all deadlines in this case, the Court stayed further proceedings in this case as to all parties pending the Chapter 7 bankruptcy petition against Defendant Abengoa Bioenergy of Nebraska, LLC in the United States Bankruptcy Court for the District of Nebraska, in Case No. 16-80141-TLS. (Filing No. 24). Accordingly, the Court will further stay proceedings pending the Kansas Chapter 7 Petition as well.

IT IS ORDERED:

1. The Suggestion of Bankruptcy (Filing No. 25) filed by Plaintiff CHS, Inc., is noted for the record and the Clerk of Court is directed to terminate Filing 25 as a pending matter;
2. This case is stayed as to all parties until the Chapter 7 Petition filed against Abengoa Bioenergy Company, LLC in the Kansas Bankruptcy Court, Case No. 16-20178-7, is dismissed or the Kansas Bankruptcy Court issues relief from the automatic stay under 11 U.S.C. § 362; and
3. On or before May 15, 2016, the parties shall file a status report with this Court regarding the status of the bankruptcy proceedings and addressing whether this case should remain pending in this Court.

Dated this 29th day of February, 2016.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge