

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JACOB K. PANOWICZ,

Plaintiff,

v.

CHARTER HEALTH HOLDINGS, INC.,
and CHARTER HEALTH CARE GROUP,
LLC,

Defendants.

8:23CV483**ORDER**

This matter is before the Court on a Suggestion of Bankruptcy (Filing No. 13) filed by defendants Charter Health Holdings, Inc., d/b/a Charter Home Health of Omaha, and Charter Health Care Group, LLC (together, the “defendants”). *See* 11 U.S.C. § 362. The defendants give notice that they have each “filed a Petition in Bankruptcy in the United States Bankruptcy Court for the District of Delaware,” with case numbers 24-10088, 24-10102, and 24-10090. The defendants have attached those petitions to their filing and note “[t]hese causes were duly scheduled in” their Chapter 7 bankruptcy cases.

Those voluntary bankruptcy petitions triggered an automatic stay of “the commencement or continuation” of most civil proceedings against the defendants, including this case. 11 U.S.C. § 362(a)(1); *see also Am. Prairie Constr. Co. v. Hoich*, 560 F.3d 780, 789 (8th Cir. 2009) (explaining that filing a bankruptcy petition generally stays all proceedings against a debtor). As such, Nebraska General Rule 1.5(a)(1) provides in pertinent part that, “[u]pon the filing of a suggestion in bankruptcy, or other notification that a defendant in a civil case is a debtor in a bankruptcy case, the court issues an order staying further proceedings in the case as to the party in bankruptcy.”

That rule further states that the civil case will be “referred to the bankruptcy court for further action” if any party moves for such a referral. *Id.* None of the parties have

requested a referral or otherwise responded to the defendants' Suggestion of Bankruptcy. On this record, the Court sees no grounds to refer this case to the bankruptcy court at this time. Accordingly,

IT IS ORDERED:

1. Plaintiff Jacob K. Panowicz's action against defendants Charter Health Holdings, Inc., and Charter Health Care Group, LLC, is stayed until further order of the Court.
2. The defendants shall promptly notify the Court of the resolution of the bankruptcy proceedings in these cases or any other order affecting the stay under 11 U.S.C. § 362(a). In the interim, they shall provide the Court with a status update on the bankruptcy proceedings every ninety days beginning on July 8, 2024.

Dated this 26th day of April 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", written in a cursive style.

Robert F. Rossiter, Jr.
Chief United States District Judge