

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	
SUPERIOR OFFSHORE	§	Bankruptcy Case No. 08-32590
INTERNATIONAL, INC.,	§	
Debtor	§	

	§	
LOUIS E. SCHAEFER, JR. and	§	CIVIL ACTION NO. H-09-0338
SCHAEFER HOLDINGS, LP,	§	
Appellants.	§	

ORDER


By Order [BR Doc. # 1248] entered in this bankruptcy case on January 28, 2009, United States Bankruptcy Judge Wesley W. Steen confirmed the First Amended Joint Chapter 11 Plan of Liquidation. On February 4, 2009, Louis E. Schaefer, Jr. and Schaefer Holdings, LP (collectively, “Schaefer”) filed a Notice of Appeal [BR Doc. # 1262], an Election to Appeal to Court of Appeals [BR Doc. # 1263], and an Emergency Request for Certification Pursuant to 28 U.S.C. § 158(d)(2) [BR Doc. # 1264] seeking certification to appeal directly to the United States Court of Appeals for the Fifth Circuit rather than to this district court because there were novel legal

issues presented in the appeal for which there are no controlling decisions from the United States Supreme Court or the Fifth Circuit.¹

By Order [BR Doc. # 1283] entered February 9, 2009, the Bankruptcy Judge granted Schaefer's request and certified the matter for direct appeal to the Fifth Circuit. In the meantime, however, the Notice of Appeal had been docketed in the district court. It appearing that the Bankruptcy Court has certified this appeal to proceed directly to the Fifth Circuit, it is hereby

ORDERED that the appeal docketed in the district court is **STAYED AND ADMINISTRATIVELY CLOSED** to allow Schaefer to pursue his appeal directly to the Fifth Circuit pursuant to 28 U.S.C. § 158(d)(2).

SIGNED at Houston, Texas, this **12th** day of **February, 2009**.



Nancy F. Atlas
United States District Judge

¹ Schaefer also filed an Emergency Motion for Stay Pending Appeal [BR Doc. # 1265] which was denied by Order [BR Doc. # 1287] entered February 9, 2009.