

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

In re:

ABENGOA BIOENERGY BIOMASS OF
KANSAS, LLC,

Debtor.

DRIVETRAIN, LLC, as Liquidating Trustee
for Abengoa Bioenergy US Holding, LLC, et
al.,

Appellant,

vs.

Case No. 18-cv-1055-EFM

MARK D. KOZEL, as Liquidating Trustee of
the ABBK Liquidating Trust,

Appellee.

MEMORANDUM AND ORDER

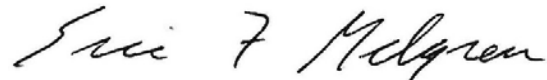
This matter comes before the Court on the Emergency Motion of Mark D. Kozel, as Liquidating Trustee of the ABBK Liquidating Trust, (A) for a Stay of Merits Briefing Pending the Court's Resolution of Motion to Dismiss Appeal or (B) in the alternative, for a Thirty-Day Extension of Time to File Appellee Merits Brief (Doc. 54). The parties have submitted an agreed order resolving Kozel's motion, attached to this Order as Exhibit A. The Court is adopting the

parties' agreements as stated in Exhibit A, but strongly admonishes the parties to limit any discovery only to such discovery appropriate for this stage of the litigation.

IT IS THEREFORE ORDERED that the Emergency Motion of Mark D. Kozel, as Liquidating Trustee of the ABBK Liquidating Trust, (A) for a Stay of Merits Briefing Pending the Court's Resolution of Motion to Dismiss Appeal or (B) in the alternative, for a Thirty-Day Extension of Time to File Appellee Merits Brief (Doc. 54) is **GRANTED**, and the Court adopts the parties' agreements as stated in Exhibit A.

IT IS SO ORDERED.

Dated this 21st day of June, 2018.



ERIC F. MELGREN
UNITED STATES DISTRICT JUDGE