

# **EXHIBIT A**

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

**In re:** )  
)  
**ABENGOA BIOENERGY BIOMASS OF** )  
**KANSAS, LLC.,** )  
)  
**Debtor,** )  
\_\_\_\_\_ )  
)  
**DRIVETRAN, LLC, as Liquidating** )  
**Trustee for Abengoa Bioenergy US** )  
**Holding, LLC, et al.,** )  
)  
**Appellant,** )  
**v.** )  
)  
**ABENGOA BIOENERGY BIOMASS** )  
**OF KANSAS, LLC, and THE OFFICIAL** )  
**UNSECURED CREDITORS' COMMITTEE** )  
**OF ABENGOA BIOENERGY BIOMASS** )  
**OF KANSAS, LLC.** )  
)  
**Appellees.** )

**Case No. 6:18-cv-01055-EFM**

**Judge Eric F. Melgren**

**AGREED ORDER**

This matter comes before the Court upon the *Emergency Motion of Mark D. Kozel, as Liquidating Trustee of the ABBK Liquidating Trust, (a) for Stay of Merits Briefing Pending Resolution of Motion to Dismiss Appeal, or (b) in the Alternative, for a Thirty-Day Extension of Time to File Appellee Merits Brief* (Dkt. No. 54, the “Emergency Motion”) filed by Mark D. Kozel, as the Liquidating Trustee for the ABBK Liquidating Trust (the “ABBK Trustee”).

The Court having reviewed the Emergency Motion; the Court having been advised that appellant, Drivetrain, LLC (the “Missouri Trustee”), has consented to the Emergency Motion on

the terms set forth in this Agreed Order; and the Court having found good cause to grant the relief requested in the Emergency Motion;

IT IS HEREBY ORDERED THAT:

1. The Emergency Motion is GRANTED.
2. Further merits briefing in the above-captioned appeal is hereby stayed pending the Court's resolution of the *Motion of Mark D. Kozel, Liquidating Trustee of the ABBK Liquidating Trust, to Dismiss Drivetrain, LLC's Appeal as Moot Motion to Dismiss* (Dkt. No. 53, the "Motion to Dismiss").
3. With regard to the Motion to Dismiss:
  - a. The Missouri Trustee is entitled to take discovery prior to responding to the Motion to Dismiss.
  - b. The Missouri Trustee shall serve written discovery requests on the ABBK Trustee on or before June 29, 2018.
  - c. The ABBK Trustee shall respond to any such written discovery requests and shall produce all documents responsive to any document requests on or before July 13, 2018.
  - d. The deposition of the ABBK Trustee shall take place in Cleveland, Ohio on August 1, 2018, or such other date as is mutually agreed to by the Parties.
  - e. The Missouri Trustee shall serve and file its papers in opposition to the Motion to Dismiss on or before August 14, 2018, or ten (10) days after the deposition of the ABBK Trustee, whichever is later.

f. The ABBK Trustee shall file and serve his reply in further support of the Motion to Dismiss, if any, on or before August 28, 2018, or fourteen (14) days after the Missouri Trustee serves and files its opposition thereto, whichever is later.

4. The ABBK Trustee shall file his appellee's merits brief, if any, twenty-one (21) days after the entry of an order by this Court determining the Motion to Dismiss, except an order dismissing such appeal.

5. The fact of the Parties having agreed to this Stipulation, and each of its terms and the implementation thereof, is without prejudice to the rights and position of the Missouri Trustee in all respects; without limiting the generality of the foregoing, none of the negotiation or entry into this Stipulation, any of its terms, or the agreement as to timing of the submission of papers regarding the appeal or the Motion to Dismiss shall be referenced in any way or manner as delaying any such proceedings, or relied upon in any way in connection with the diligence of the Missouri Trustee and the timing of submission of the appeal or the Motion to Dismiss by the ABBK Trustee or be considered or relied upon by the Court with respect thereto, or for any assertion that the Missouri Trustee has failed to prosecute or respond to any appeal or motion as quickly and promptly as possible.

IT IS SO ORDERED.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_, Kansas.

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Eric. F. Melgren  
U. S. District Judge

Submitted by:

/s/ Robert L. Baer

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