

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF

LESTER KENT SCHULZ,

DEBTOR

LESTER KENT SCHULZ,

Plaintiff

vs.

MARGUERITE SCHULZ (WHITE),

Defendant

CASE NO. BK81-1234

A82-304

MEMORANDUM AND ORDER

This matter came on for hearing upon the complaint for permanent injunction seeking temporary restraining order and preliminary injunction filed April 27, 1982. Because of the alleged emergency nature, a hearing was scheduled at 8:30 A.M. on April 27, 1982, in the morning. At that hearing, Mr. Kent appeared representing Mr. Schulz. Mr. Fahey appeared representing Mrs. White. Both parties were also present. At the hearing, which was held in chambers without a court reporter present, I reviewed a transcript of a hearing held February 17, 1982, before the Honorable Theodore L. Richling, Judge, District Court of Douglas County, Nebraska. The transcript of that hearing discloses that Mr. Kent on behalf of Mr. Schulz raised the question of whether the District Court of Douglas County, Nebraska, was without jurisdiction in view of the removal of the dissolution proceeding to Bankruptcy Court. The Court, in its findings and conclusions dictated into the record at the conclusion of the hearing, does not mention the impact of the bankruptcy proceeding on the dissolution proceeding nor does it mention the effect of the attempted removal of the dissolution proceeding to the Bankruptcy Court. In view of this oversight, this Court is unable to ascertain whether a ruling was made on jurisdictional aspects of the hearing then before Judge Richling. In view of the emergency nature of the proceeding, which Mr. Kent leads me to believe is that the hearing scheduled for 9:00 A.M. on April 27, 1982, may lead to the incarceration of Mr. Schulz for failure to obey the orders of the District Court of Douglas County, Nebraska, all lead me to the conclusion that equitable relief should be

granted pending resolution of the merits of this litigation.  
Accordingly, it is

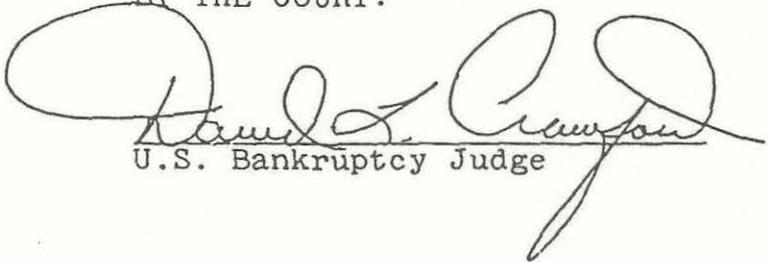
ORDERED that Marguerite Schulz (White) be, and she hereby is, temporarily enjoined and restrained from proceeding against Lester Kent Schulz for contempt relief or related relief in the District Court of Douglas County, Nebraska, and said injunction shall include her attorneys and agents except that Mr. Fahey is authorized by this order and this Court to explain to Judge Richling my ruling with regard to the temporary restraining order previously mentioned; and it is further

ORDERED that a hearing on whether the temporary restraining order should be made into a preliminary injunction pending resolution of the merits is hereby scheduled for May 5, 1982, at 3:00 P.M. at Omaha, Nebraska; and it is further

ORDERED that this temporary restraining order shall be effective upon the filing of a bond in the penal sum of \$500.00 the condition of which shall be that if Marguerite Schulz (White) suffers damage by virtue of the temporary restraining order herein contained, said bond shall be available for the redress of those damages.

DATED: April 27, 1982.

BY THE COURT:

  
U.S. Bankruptcy Judge

Copies to:

John Fahey, Attorney, 540 Keeline Building, Omaha, Ne. 68102

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