

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE:

In Proceedings  
Under Chapter 11

JOSEPH W. DIEKEMPER  
MARGARET A. DIEKEMPER

Case No. 04-32094

Debtor(s).

OPINION

This matter is before the Court on debtors' Amended Motion for Sanctions against Monsanto Company ("Monsanto"). Debtors allege that Monsanto violated the automatic stay by conditioning its continued supply of POSILAC, a medication that boosts the production of milk from dairy cows, on payment of a pre-petition debt. At a hearing held on August 4, 2004, no one appeared on behalf of Monsanto, and the Court directed counsel for debtors to submit a brief in support of the motion for sanctions. Counsel's brief was filed on September 7, 2004.

Under the terms of a Master Subscription Agreement executed on August 19, 2003, Monsanto agreed to supply debtors with POSILAC. The first "subscription period" was for six months. At the end of the first period, the subscription term was automatically renewed for another six months. During the second subscription term, debtors were unable to pay Monsanto, and at the time they filed their bankruptcy petition on May 21, 2004, debtors owed Monsanto approximately \$7500.00.

At the hearing on the motion for sanctions and in the brief that was filed with the Court, debtors' counsel stated that despite notice of the bankruptcy case, Monsanto conditioned its continued supply of POSILAC to debtors on payment of the pre-petition debt. Specifically, Monsanto stated that it would not deliver POSILAC to debtors as agreed in the Master Subscription



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ORDER

For the reasons set forth in an Opinion entered this date, IT IS ORDERED that debtors' amended motion for sanctions against Monsanto Company is GRANTED. IT IS FURTHER ORDERED that this matter is scheduled for hearing on October 20, 2004, at 9:00 a.m. in the United States Bankruptcy Court, East St. Louis, Illinois, to determine the amount of sanctions to which debtors and/or their counsel are entitled.

ENTERED: September 27, 2004

/s/ Kenneth J. Meyers  
UNITED STATES BANKRUPTCY JUDGE