

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
DEPT. CLERK
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IN RE: § CASE NO. 11-01-10779-8A COURT
FURR'S SUPERMARKETS, INC. §
§
§ CHAPTER 11
DEBTOR §

MOTION FOR RELIEF FROM STAY

NOW COMES ELIZABETH QUIROZ, hereinafter referred to as "Movant" and files this her motion seeking relief from the automatic stay provided by 11 U.S.C. § 362 of the Bankruptcy Code and in support thereof would show the following:

1. THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS. IF NO TIMELY RESPONSE IS FILED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD. A TIMELY RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.
2. On February 8th, 2001, the above-named Debtor filed its Voluntary Petition under Chapter 11 of the Bankruptcy Code.
3. Prior to the filing of Debtor's Chapter 11 Petition, Movant and Debtor were parties to a pending lawsuit in the 143rd Judicial District Court of Ward County, Texas, said lawsuit bearing Cause No. 00-09-19783-CVW and styled Elizabeth Quiroz vs. Furr's Supermarkets, Inc. and Kevin McBride.
4. Debtor is the Defendant Furr's Supermarkets, Inc., which is a party to the aforementioned State Court lawsuit.

319,320

5. Movant's claims which are the subject of the aforementioned lawsuit are for personal injuries and damages sustained in an on-the-job injury that occurred on January 11, 1999 in Ward County, Texas, while the Debtor was her employer.
6. Based upon currently available information and belief, the claims against the Debtor in the aforementioned personal injury State Court lawsuit are covered by liability insurance subject to a retention that may be secured by other financing, purchased by the Debtor's employer that was in full force and effect at the time of the incident made the basis of said lawsuit.
7. The State Court personal injury lawsuit is being defended on behalf of the Debtor by Mr. John P. LeVick, Jones, Flygare, Brown & Wharton, P.O. Box 2426, Lubbock, Texas 79408, Phone (806) 765-8851.
8. Insurance coverage provided by applicable liability insurance policies are not an asset of the estate.
9. Any recovery against any applicable insurance policies will not deplete the estate.
10. Therefore, the Automatic Stay of 11 U.S.C. § 362 (a) should be terminated for cause to allow Movant to proceed with the State Court personal injury lawsuit initiated in the 143rd Judicial District Court, Ward County, Texas against the Debtor for recovery under any applicable liability insurance policies to the extent that such policy coverage exists.

WHEREFORE PREMISES CONSIDERED, the Movant, Elizabeth Quiroz respectfully prays that the Court enter an Order granting relief from the Automatic

Stay to allow the Movant to proceed with the State Court personal injury lawsuit initiated in the 143rd Judicial District Court, Ward County, Texas against the Debtor for recovery under any applicable liability insurance policies to the extent that such policy coverage exists and such further relief to which the Movant shows herself justly entitled.

RESPECTFULLY SUBMITTED THIS 27th DAY OF MARCH, 2001.

THE GARRIGA LAW FIRM, P.C.
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Odessa, Texas 79761
Phone (915) 580-6565
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JOSE LUIS GARRIGA
State Bar No. 07703450

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been mailed, certified mail, return receipt requested to all parties of record on this the 27th day of March, 2001.

Debtor Representative

Mr. Steven L. Mortensen
Furr's Supermarkets, Inc.
Senior Vice President and
Chief Financial Officer
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JOSE LUIS GARRIGA

UNITED STATES
U. S. BANKRUPTCY COURT
DISTRICT OF NEW MEXICO
Albuquerque Division

21003670 M's
April 2, 2001

Code	Case #	Qty	Amount
STAY 1/1	01-10779	1 @	75.00
			75.00 CH
Judge - James Starzynski Hinderer			
Debtor - FURR'S SUPERMARKET, INC.			
TOTAL →			75.00

FROM: GARRIGA
CHECK 1205