

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

FILED
OFFICE OF THE CLERK
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U.S. BANKRUPTCY COURT
ALBUQUERQUE, N.M.

IN RE:

FURR'S SUPERMARKETS, INC.

DEBTOR

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§

CASE NO. 11-01107-9A

CHAPTER 11

MOTION FOR RELIEF FROM STAY BY CREDITOR CHARLES MOORE

NOW COMES CHARLES MOORE, hereinafter referred to as "Movant" and files this his 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 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 8, 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 168th Judicial District Court of El Paso County, Texas, said lawsuit bearing Cause No. 2000-1360 and styled Charles Moore v. Furr's Supermarkets, Inc.
4. Debtor is the Defendant Furr's Supermarkets, Inc., which is a party to the aforementioned State Court lawsuit.

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5. Movant's claims which are the subject of the aforementioned lawsuit are for personal injuries and damages that occurred on or about May 6, 1998 in El Paso County, Texas.
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 that was in full force and effect at the time of the incident made the basis of said lawsuit. (See Exhibit A attached "Declarations of Policy No. 0597733").
7. The State Court personal injury lawsuit is being defended on behalf of the Debtor by Mr. Mark C. Walker, Mounce, Green, Myers, Safi & Galatzan, 100 N. Stanton, Suite 1700, P.O. Box 1977, El Paso, Texas 79950-1977, Phone (915) 532-2000.
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 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 210th Judicial District Court, El Paso 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, Javier Ortiz 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 168th Judicial District Court, El Paso County, Texas against the Debtor for recovery under any

AND EMPLOYERS LIABILITY INDEMNITY POLICY
(Alternative to Texas Workers Compensation Insurance)

No. 0597733

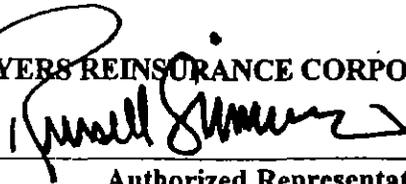
EMPLOYERS REINSURANCE CORPORATION
5200 Metcalf Box 2091 Overland Park, Kansas 66201
(913) 676-5200 or 1-800 255-6931

Schedule

1. **Insured:** Furr's Supermarkets, Inc.
2. **Address:** 1730 Montano Road NW
Albuquerque, New Mexico 87107
3. **Benefit plan:** Furr's Supermarkets Inc. Group Health Plan
4. **Policy period:**
 - (a) **From:** December 31, 1997
 - (b) **To:** December 31, 1998**Both days at 12:01 A.M. standard time at the Insured's address shown in Item 2**
5. **Wage replacement loss limit each employee:** As described under Benefit Plan
6. **Retention:**
 - (a) **Each accident:** \$ 250,000
 - (b) **Each employee for disease** \$ 250,000
7. **Limit each accident:**
 - (a) **Policy Part One, Benefit Plan:** \$ 25,000,000
 - (b) **Policy Part Two, Employers Indemnity** \$ 5,000,000
8. **Limit each employee for disease:**
 - (a) **Policy Part One, Benefit Plan:** \$ 25,000,000
 - (b) **Policy Part Two, Employers Liability:** \$ 5,000,000
9. **Premium:**
10. **Plan Administrator:** Penn General Southwest, Inc.
11. **Endorsements:**

Countersigned

EMPLOYERS REINSURANCE CORPORATION



Licensed Resident Agent
TX-0597

Date EXHIBIT A

Authorized Representative

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

21005787
May 23, 2021

Code	Case #	Qty	Amount
STAY 1/1	21-10779	1	0.00
Judge - James Stangor			0.00
Debtor - FURR'S SUPERMARKETS			0.00
TOTAL →			0.00

FROM: PALAFIX
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