

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
01 JUN -1 AM 10:27
CLERK OF DISTRICT COURT
ALBUQUERQUE, N.M.

IN RE:

FURR'S SUPERMARKETS, INC.,
a Delaware Corporation,

Debtor.

No. 11-01-10779 SA

MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW, Charles Crowder and Philip Crowder, by and through their attorneys of record, Poulos & Dickey, L.L.P. (Victor F. Poulos), and hereby moves for relief from the automatic stay herein, and as grounds therefore, respectfully shows the Court as follows:

1. That the Debtors filed a Petition in this Court under Chapter 11 on or about February 8, 2001.
2. That Charles Crowder and Philip Crowder suffered a personal injury arising from the negligence of Furr's Pharmacy in filling a medical prescription for Mr. Crowder.
3. That as a result of said personal injury, Charles Crowder and Philip Crowder have filed an action against Furr's Supermarkets, Inc. in a cause of action entitled, In the District Court of El Paso County, Texas, 210th Judicial District Court, *Charles Crowder and Philip Crowder, Plaintiffs, v. Furr's Supermarkets, Inc. and James Moore and Norma Lujan, Defendants*, Cause No. 99-546, filed on February 16, 1999.
4. That Furr's Supermarkets, Inc. has a large self-insured retention of \$100,000.00, after which insurance covers excess.

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5. That there is no adequate protection for Charles Crowder and Philip Crowder without relief from the automatic stay.

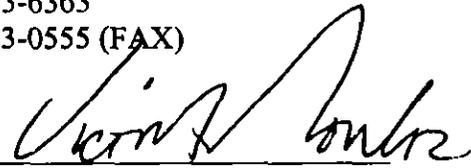
6. That the Debtor's attorney, Robert H. Jacobvitz, is in opposition to this Motion.

6. That the automatic stay pursuant to the provisions of 11 USC §362 should be modified to allow Charles Crowder and Philip Crowder to proceed with their case against Furr's Supermarkets, Inc. as referenced in paragraph 3 above.

WHEREFORE, Charles Crowder and Philip Crowder pray that upon final hearing on this Motion, the automatic stay, pursuant to 11 USC §362, be modified to allow Charles Crowder and Philip Crowder to proceed with their case against Furr's Supermarkets, entitled, In the District Court of El Paso County, Texas, 210th Judicial District Court, *Charles Crowder and Philip Crowder, Plaintiffs, v. Furr's Supermarkets, Inc. and James Moore and Norma Lujan, Defendants*, Cause No. 99-546.

Respectfully submitted,

POULOS & DICKEY, L.L.P.
*Attorneys for Charles Crowder and
Philip Crowder*
1520 North Campbell
El Paso, TX 79902
915/533-6363
915/533-0555 (FAX)

By: 

Victor F. Poulos

CERTIFICATE OF MAILING

The undersigned hereby certifies that he did cause to be mailed by First Class Mail, Postage Pre-paid, a true and correct copy of the foregoing instrument to the foregoing opposing counsel and parties of record on this 31st day of May, 2001.

Robert H. Jacobvitz, Esq.
David T. Thuma, Esq.
Attorneys for Debtor
500 Marquette NW #650
Albuquerque, NM 87102

Office of the U.S. Trustee
PO Box 608
Albuquerque, NM 87103

Mark C. Walker, Esq.
100 North Stanton, Suite 1700
El Paso, TX 79901-1448



Victor F. Poulos

UNITED STATES
U. S. BANKNOTE COY COO
BOSTON OFFICE
BIOQUERER DIVISION

21006225 RE
June 4, 2001

Code	Case #	Qty	Amount
STAY	171 01-10779	1	75.00
			5.00 CC
	Judge - James Stanley S. Tucker		
	Debtor - FURK'S INFRASTRUCTURE INC.		
TOTAL →			75.00

FROM: FURK'S
CC 401A 115004