

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	)	
	)	
ACR MANAGEMENT, L.L.C., <u>et al.</u> , <sup>1</sup>	)	Case No. 04-027848-MBM
	)	
Debtors.	)	Chapter 11
	)	(Jointly Administered)
	)	
ACR MANAGEMENT, L.L.C., et al.,	)	
	)	
Movants,	)	Related to Document No. 37
	)	
v.	)	
	)	
NO RESPONDENT.	)	
	)	

**ORDER MODIFYING THE AUTOMATIC STAY IN CONNECTION WITH  
THE ARBITRATION PROCEEDING AGAINST RAY G. ANTHONY**

Upon the motion (the “Motion”)<sup>2</sup> of the debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the “Debtors”) seeking entry of an order (the “Order”) modifying the automatic stay in connection with the arbitration proceeding against Ray G. Anthony; and it appearing that the relief requested is essential to the continued operation of the Debtors’ business and is in the best interest of the Debtors’ estates and creditors; and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334;

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<sup>1</sup> The Debtors are the following entities: ACR Management, L.L.C., Anthony Crane Rental Holdings, L.P., ACR/Dunn Acquisition, Inc., Anthony Crane Capital Corporation, Anthony Crane Holdings Capital Corporation, Anthony Crane International, L.P., Anthony Crane Sales & Leasing, L.P., Anthony International Equipment Services Corporation, Anthony Sales & Leasing Corporation, Carlisle Equipment Group, L.P., Carlisle GP, L.L.C., Husky Crane, Inc., Anthony Crane Rental, L.P., d/b/a Maxim Crane Works, Maxim Crane Works, LLC, Sacramento Valley Crane Service, Inc., The Crane & Rigging Company, LLC, Thompson & Rich Crane Service, Inc.

<sup>2</sup> Capitalized terms not defined herein shall have the same meaning ascribed in the Motion.

and it appearing that this Motion is a core proceeding pursuant to 28 U.S.C. §157; and adequate notice of the Motion having been given; and it appearing that no other notice need be given; and after due deliberation and sufficient cause appearing therefor, it is hereby:

ORDERED that the Motion is granted; and it is further

ORDERED that the automatic stay of 11 U.S.C. §362 is lifted to allow the Arbitration presently pending before the American Arbitration Association bearing case number 55 19900203 03, including any claims, counterclaims, defenses, setoffs or objections either of the parties have already or may in the future assert, to proceed up through and including the resolution of the Arbitration, including, but not limited to, (a) settlement with (i) notice to, *inter alia*, counsel to the Committee of Unsecured creditors and (ii) a hearing and/or (b) entry of a final judgment; and it is further

ORDERED that nothing herein is intended or shall be construed to waive any defenses, setoffs, objections or counterclaims that the Debtors may have with respect to the Arbitration; and it is further

ORDERED that any claims arising against the Debtors' estates as a result of the Arbitration shall be subject to any plan of reorganization filed in these Chapter 11 Cases; and it is further

ORDERED that any cost or expenses incurred by the Debtors in connection with the Arbitration and any related proceedings shall be subject to the DIP Orders and the DIP Budgets (as each term is defined in the First Day Affidavit); and it is further

ORDERED that this Court retains jurisdiction to enforce the terms of this Order.

Dated: \_\_\_\_\_, 2004  
Pittsburgh, Pennsylvania

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United States Bankruptcy Judge