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

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|---|---|---|
| In re: | ) | |
| | ) | |
| ACR MANAGEMENT, L.L.C., et al.,[1] | ) | Case No. 04-27848-MBM |
| | ) | Chapter 11 |
| Debtors. | ) | (Jointly Administered) |
| | ) | |
| FLOYD EUGENE JUSTICE, JR. AND KIM JUSTICE, | ) | **Docket No.: ____** |
| Movants, | ) | **Related Docket No.: 825** |
| | ) | |
| v. | ) | **Objection Deadline: December 7, 2004** |
| | ) | **Hearing Date: December 14, 2004, at 3:00** |
| ACR MANAGEMENT, L.L.C., et al., | ) | **p.m. (EST)** |
| | ) | |
| Respondents. | | |

**ORDER GRANTING [CM/ECF# 825] MOTION OF FLOYD EUGENE JUSTICE, JR. AND KIM JUSTICE FOR RELIEF FROM AUTOMATIC STAY TO PURSUE CAUSE OF ACTION AGAINST THE DEBTORS FOR PERSONAL INJURIES AND LOSS OF CONSORTIUM**

Upon consideration of the motion for relief from automatic stay to pursue a cause of action against the Debtors for personal injuries and loss of consortium (the "Motion[2]"), filed by Floyd Eugene Justice, Jr. and Kim Justice (the "Movants"); and upon consideration of the response (the "Response") of the Debtors to the Motion; and upon consideration of any other response to the Motion; and it appearing that the relief requested is in the best interests of the Debtors' estates, their creditors and other parties in interest; and after due deliberation and cause appearing therefor;

[1] 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.

[2] All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion and/or the Response.

IT IS HEREBY ORDERED THAT:

1. Relief from the automatic stay imposed by Bankruptcy Code Section 362 is hereby GRANTED to allow the Movants to continue with the Action, and any and all appeals that may result in said action, subject to the following conditions:

a. Relief from stay shall be limited, as to the Debtors, to allowing the Movants to liquidate their claims and recover from the Indemnification and/or any applicable insurance coverage, and the Movants may not seek to enforce any judgment obtained against any asset of the Debtors, or property of the Debtors' estates, other than their applicable insurance coverage; provided however, this provision shall not preclude the Movants from pursuing recovery upon Movants' claims from any other party to the Action that may, for any cognizable reason, be liable therefor;

b. With respect to any verdict or settlement for the Movants relating to the Retentions or the Deductibles, or any amount not covered by the Indemnification and/or any applicable insurance, the only relief that the Movants may pursue as to the Debtors directly or indirectly, shall be to participate in the distribution afforded pre–petition unsecured claims based upon any timely-filed Proof of Claim filed by the Movants, if any, ultimately received in the Debtors' Chapter 11 bankruptcy cases or to seek alternative relief from the Court; provided however, this provision shall not act to limit the liability of any carrier to the applicable coverage to the extent that under applicable law said carrier may have liability in excess of the stated coverage under a claim for bad faith and/or breach of fiduciary duty.

2. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Pittsburgh, Pennsylvania

Dated: 12/14, 2004

JUDGE M. BRUCE McCULLOUGH
UNITED STATES BANKRUPTCY JUDGE

FILED

DEC 14 2004

CLERK, U.S. BANKRUPTCY COURT
WEST. DIST. OF PENNSYLVANIA