

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:	§	CASE NO. 21-30721-hdh11
	§	
FRESH ACQUISITIONS, LLC	§	CHAPTER 11
	§	
DEBTOR	§	

**AGREED ORDER GRANTING MOTION PURSUANT TO BANKRUPTCY RULE
4001(D)**

On September 3, 2021 a Motion for Approval of Agreement Pursuant to Bankruptcy Rule 4001(d) (the "Motion") was filed by Laura Fish-Alverson, ("Movant") in the above-referenced case. The Court finds that the Motion with regard to the Movant's personal injury action was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate fourteen (14)-day negative notice language, pursuant to LBR 4001, which directed any party opposed to the granting of the relief sought by the Motion to file a written response within fourteen days or the Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Motion has been timely filed by any party. Due to the failure of any party to file a timely written response, the allegations contained in the Motion stand unopposed and, therefore, the Court finds that good cause exists for the entry of the following order:

IT IS THEREFORE ORDERED that the Motion for Approval of Agreement Pursuant to Bankruptcy Rule 4001(d) filed by Laura Fish-Alverson on September 3, 2021 is hereby GRANTED so as to authorize the termination of the automatic stay immediately as to Movant's state court action, which is pending in Warren County, KY, Warren Circuit Court, Div. I, Case No. 19-CI-00374, against FMP-Ovation Payroll, LLC, Et Al ("Personal Injury Lawsuit").

IT IS FURTHER ORDERED that Movant shall only collect on any judgment rendered in the Personal Injury Lawsuit from applicable insurance proceeds and that Movant waives any claim against the bankruptcy estates of the Debtor or their affiliates;

IT IS FURTHER ORDERED that since the Motion was unopposed by any party, the fourteen (14) day stay period otherwise imposed by Fed.R.Bankr.P.4001(3) shall not be applicable to this Order.

IT IS ORDERED, ADJUDGED AND DECREED that the automatic stay of Section 362(a) of the Bankruptcy Code is terminated as to Laura Fish-Alverson's Personal Injury Lawsuit, effective upon entry of this Order;

IT IS FURTHER ORDERED that this Stipulation and Agreed Order be served on Debtors' insurance carrier;

IT IS FURTHER ORDERED that any claim by the insurer for reimbursement from the Debtors in any manner pursuant to the applicable insurance policy shall be classified as a prepetition general unsecured non-priority claim;

###END OF ORDER###

APPROVED AS TO FORM AND SUBSTANCE:

/s/C. Daniel Herrin

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