

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

In re: PITTSBURGH ATHLETIC ASSOCIATION, <i>et al.</i> ¹ , <i>Debtors.</i>	Jointly Administered at: Bankruptcy No. 17-22222-JAD Bankruptcy Nos: 17-22222-JAD, and 17-22223-JAD
PITTSBURGH ATHLETIC ASSOCIATION, <i>Movant,</i> v. THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS AND MARY A. BARONE, <i>Respondents.</i>	Chapter 11 Related to Doc. No. 400 Hearing: January 23, 2018 at 10:00 AM Responses Due: December 27, 2018

**JOINT STIPULATION AND CONSENT ORDER BY AND BETWEEN PITTSBURGH
ATHLETIC ASSOCIATION, MARY A. BARONE AND THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS OF PITTSBURGH ATHLETIC ASSOCIATION REGARDING
MOTION FOR RELIEF**

Pittsburgh Athletic Association (“PAA”), by its counsel Tucker Arensberg, P.C., and with the consent of Mary A. Barone (“**Ms. Barone**”) and the Official Committee of Unsecured Creditors of Pittsburgh Athletic Association (the “**Committee**”), files this Stipulation and Consent Order of Court resolving the Motion for Relief from Stay filed by Mary A. Barone at Docket No. 400 respectfully agreeing and stipulating as follows:

WHEREAS, this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157.

WHEREAS, venue of the Debtors’ Chapter 11 cases is proper pursuant to 28 U.S.C §§ 1408 and 1409.

WHEREAS, on or about May 15, 2017, Ms. Barone instituted a civil action for injuries and damages against PAA in the Court of Common Pleas of Allegheny County, Pennsylvania at Case Number

¹ The Debtors have the following cases pending Pittsburgh Athletic Association, Bankruptcy No. 17-22222-JAD and the Pittsburgh Athletic Association Land Company, Bankruptcy No. 17-22223-JAD, both cases are being jointly administered under Case No. 17-22222-JAD.

GD-17-007349 (the “**State Court Action**”), wherein she is seeking to recover monetary damages resulting from a fall on the PAA’s real property located at 4215 Fifth Avenue, Pittsburgh, PA 15213.

WHEREAS, PAA, with its affiliated Debtor, Pittsburgh Athletic Association Land Company (the “**PAALC**”, together with the PAA, the “**Debtors**”) filed voluntary petitions for relief under Chapter 11 of the United States Code, 11 U.S.C. §101, *et. seq.* (the “**Bankruptcy Code**”) on May 30, 2017 in the United States Bankruptcy Court for the Western District of Pennsylvania, which are being jointly administered at the above-captioned case number (the “**Bankruptcy Case**”).

WHEREAS, Ms. Barone, through her counsel, filed a Motion for Relief from Stay (the “**Motion**”) [Docket No. 400], seeking relief from the automatic stay to pursue the State Court Action against PAA and seeking entry of an Order by this Court granting the following, as set forth in Page 3 of the Motion:

- a. For an Order granting [Ms. Barone] relief from the automatic stay of 11 U.S.C. Section 362(a) of the Bankruptcy Code.
- b. For an Order granting [Ms. Barone] relief from the Automatic Stay of 11 U.S.C. Section 362(a) of the Bankruptcy Code so that the Movant may continue the civil action to the extent of the Defendant/Debtor’s liability insurance coverage, on the condition that, if the Defendant/Debtor has no liability insurance or that the insurance proves inadequate to satisfy the judgment, [Ms. Barone] will file a Proof of Claim with the Bankruptcy Court.
- c. For an Order granting [Ms. Barone] leave to serve the Trustee in Bankruptcy, or Debtor’s bankruptcy attorney.
- d. For such other and further relief as is to the court just and proper.

WHEREAS, on December 27, 2017, the Committee filed a timely response to the Motion [Docket No. 427].

WHEREAS, on December 27, 2017, PAA filed a timely response to the Motion [Docket No. 428].

AND NOW, this 23rd day of January, 2018, upon consideration of the Motion for Relief from the Automatic Stay filed by Mary A. Barone [Doc. No. 400] (the “**Motion**”), the Response filed by the Official Committee of Unsecured Creditors of PAA (the “**Committee**”) [Doc. No.

427] and the Response filed by Pittsburgh Athletic Association (“PAA”, together with Ms. Barone and the Committee, the “Parties”) [Doc. No. 428] and upon consent and stipulation of the Parties, it is hereby

ORDERED, ADJUDGED and DECREED that the Motion is GRANTED IN PART and DENIED IN PART. It is further,

ORDERED, ADJUDGED and DECREED that Mary A. Barone’s request for relief from the automatic stay to pursue the personal injury action against PAA filed on May 15, 2017 in the Court of Common Pleas of Allegheny County filed at Case No. GD-17-007349 (the “State Court Action”) is granted to the extent, and only to the extent, that such damages and costs are covered by PAA’s liability insurance. It is further,

ORDERED, ADJUDGED and DECREED that Mary A. Barone’s recovery in the State Court Action is limited to any available insurance coverage. It is further,

ORDERED, ADJUDGED and DECREED that to the extent there is no insurance coverage, or the insurance coverage is insufficient, to pay any verdict, judgment and/or settlement in the State Court Action, Mary A. Barone waives and releases the Debtors’ bankruptcy estates, the Debtors, their successors, assigns heirs, affiliates, subsidiaries, officers, directors, representatives, partners, members, managers, joint venturers, attorneys, shareholders, employees and agent from any and all recovery in excess of any insurance coverage involving the State Court Action. And it is further,

ORDERED, ADJUDGED and DECREED that the Debtors’ bankruptcy counsel shall accept service on the Debtors behalf in the State Court Action.

1.23.2018

JEFFERY A. DELLER
Chief U.S. Bankruptcy Judge

Consented to by the following on January 22, 2018:

/s/ Jordan S. Blask
Jordan S. Blask, Esquire
Pa. I.D. #308511
TUCKER ARENSBERG, P.C.
1500 One PPG Place
Pittsburgh, Pennsylvania 15222

-3-

FILED
1/23/18 8:45 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

412-566-1212

jblask@tuckerlaw.com

Attorney for the Debtor, Pittsburgh Athletic Association

/s/ Andrew J. Leger, Jr.

Andrew J. Leger, Jr., Esquire

Pa. I.D. #43702

Law Office of Andrew J. Leger, Jr., P.C.

310 Grant Street

Suite 2630

Pittsburgh, PA 15219

alleger@leger-law.com

Attorney for Mary A. Barone

/s/ John M. Steiner

John M. Steiner, Esquire

Pa. I.D. #79390

LEECH TISHMAN FUSCALDO & LAMPL, LLC

525 William Penn Place, 28th Floor

Pittsburgh, PA 15219

(412) 261-1600

jsteiner@leechtishman.com

Attorney for Official Committee of Unsecured Creditors of Pittsburgh Athletic Association