

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

IN RE:	Bankruptcy No. 17-22222-JAD
PITTSBURGH ATHLETIC ASSOCIATION,	Chapter 11
Debtor,	Honorable Jeffrey A. Deller
v.	Court of Common Pleas of Allegheny County, Pennsylvania
	No. GD 17-007349
MARY A. BARONE,	
Plaintiff,	
v.	
PITTSBURGH ATHLETIC ASSOCIATION,	
Defendant.	

**MOTION FOR RELIEF FROM  
AUTOMATIC STAY**

And Now, comes Mary A. Barone, by and through her attorney, Andrew J. Leger, Jr., Esquire and the law office of Andrew J. Leger, Jr., P.C. and files this Motion for Relief from Automatic Stay, averring as follows:

1. This Motion for Relief from Automatic Stay is filed pursuant to 11 U.S.C. §362 and the jurisdiction of this court is based upon 28 U.S.C. §1471.
2. The Debtor filed a Chapter 11 Voluntary Petition in Bankruptcy on March 30, 2017.

3. Movant believes the Debtor is represented by Jordan S. Blask, Esquire, Tucker Arensberg, P.C., 1500 One PPG Place, Pittsburgh, Pennsylvania 15222.

4. Movant, Mary A. Barone is an individual who resides at 7026 North Barbados Place, Phoenix, Arizona 85021.

5. On or about May 15, 2017, the Movant instituted a civil action for injuries and damages against the Debtor by means of a Writ of Summons instituted in the Court of Common Pleas of Allegheny County, Pennsylvania at docket number GD 17-007349.

6. In such action, the Movant is seeking to recover monetary damages resulting from a fall on the Debtor's real property located at 4215 Fifth Avenue, Pittsburgh, Pennsylvania 15213.

7. Service was effectuated on the Debtor on or about June 13, 2017, pursuant to the Pennsylvania Rules of Civil Procedure by the Sheriff of Allegheny County.

8. The statute of limitations on the claim expires on September 25, 2017.

9. The Movant does not have and has not been offered adequate protection for her claim

10. The Movant believes and, therefore avers, that the Debtor/Defendant has a commercial liability and/or other insurance with which to satisfy a potential judgment, which would have no affect on the bankruptcy proceedings.

11. The existence of the insurance coverage, as aforesaid, constitutes proper cause within the meaning of 11 U.S.C. §362(d)(1) for granting relief to the moving party from the automatic stay provided under subsection (a) of §362. Foust v. Munson Steamship Lines, 299 U.S. 77, 84-85, 57 S. Ct. 90, 94, 81 L.Ed. 49 (1936); In Re: Adolf Global, Inc., 89 F.2d 171

(2d Cir. 1937); In Re: Holtcamp, 669 F.2d 505 (7<sup>th</sup> Cir. 1982); *see also*, Wood v. Fiedler, 548 F.2d 216 (8<sup>th</sup> Cir. 1977); In Re: Straup, 90 B.R. 481 (D. Utah 1988); In Re: Rabin, 53 B.R. 529 (D.J.J. 1985).

12. The Movant avers that the Debtor/Defendant is fully covered and protected and will not be jeopardized by the continuation of a civil action filed in the Court of Common Pleas of Allegheny County, Pennsylvania.

WHEREFORE, the Movant, Mary A. Barone prays:

- a) For an Order granting Movant relief from the automatic stay of 11 U.S.C. Section 362(a) of the Bankruptcy Code.
- b) For an Order granting Movant 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, Movant will file a Proof of Claim with the Bankruptcy Court.
- c) For an Order granting the Movant 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.

Respectfully submitted,

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

BY: 

Andrew J. Leger, Jr., Esquire  
Counsel for Plaintiff.

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**ORDER OF COURT GRANTING RELIEF FROM STAY**

This \_\_\_\_ day of \_\_\_\_\_, 2017, upon default, no response objecting to the Motion has been timely filed by an interested party, and upon Movant's Certificate of Service and Certification of Default, it is hereby ORDERED, ADJUDGED and DECREED, that relief from the automatic stay provisions of Bankruptcy Code §362 is granted and Movant may proceed with the action pending in the Court of Common Pleas of Allegheny County, Pennsylvania at docket number GD 17-007349 with the understanding that any judgment of award in Movant's favor and any recovery thereon shall not exceed the insurance policy limits which may exist with respect to any policies of insurance and/or any statutory insurance which provides the Debtor with liability coverage.

Movant shall, within five (5) days hereof, serve a copy of the within Order on parties in interest and file a Certificate of Service.

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United States Bankruptcy Judge