

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
(Martinsburg)**

In re

PANTHERA ENTERPRISES, LLC,

Debtor.

**BK No. 2:19-bk-00787
Chapter 11**

**STIPULATED CONSENT ORDER GRANTING MOTION OF DARRICK AND EMILY
GUST FOR RELIEF FROM AUTOMATIC STAY AND WITHDRAWING REQUEST
FOR ADMINISTRATIVE EXPENSE CLAIM WITHOUT PREJUDICE**

Pending before the Court is the *MOTION OF DARRICK AND EMILY GUST FOR RELIEF FROM AUTOMATIC STAY TO PURSUE INSURANCE WITH COMBINED REQUEST FOR ALLOWANCE OF ADMINISTRATIVE EXPENSE CLAIM*, Docket # 152 (“Motion”). Based upon the agreement of the parties, it is hereby ORDERED THAT:

1. The request for relief from the automatic stay in the Motion is GRANTED as set forth herein. It is further ORDERED that the Automatic Stay under 11 U.S.C. §362 is hereby modified to enable and allow Movants to name the Debtor as a defendant in a civil action to be filed in state court in West Virginia: (a) to proceed to a final judgment or settlement of Movants’ claims; and (b) to attempt to recover any liquidated final judgment or settlement on the claims against the Debtor only from and under the terms of Available Coverage (as defined in the Motion).
2. It is further ORDERED that Movants shall limit any collection or recovery of their claims to insurance proceeds from Available Coverage and Movants shall take no action against

the Debtor's property for the duration of the Debtor's pending bankruptcy case without further leave of this Court.

3. It is further ORDERED Movants' pending request in the Motion for an administrative expense claim shall be deemed withdrawn, without prejudice, and nothing shall prevent Movants from filing a new application for an administrative expense claim prior to any administrative claim bar date in this bankruptcy case in the event Movants determine that the Available Coverage is insufficient (or likely to be insufficient) to satisfy Movants' claims.

4. The stay relief granted by this Order shall survive any discharge and/or injunction provisions that may be set forth in any Plan of Reorganization confirmed by the Debtor.

5. This Order may be filed in any Court of competent jurisdiction to establish that Movants' claims are not stayed or otherwise impaired by the Debtor's bankruptcy case.

6. Nothing in this Order is intended to bind any non-debtor defendant nor shall it be deemed to waive or release any claim against any non-debtor defendant in any of civil action filed by Movants.

7. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

IT IS SO ORDERED

Agreed to by:

/s/ John J. Richardson

John J. Richardson, Esq., WV Bar ID: 13140

Mark A. Lindsay, Esq., PA Bar ID: 89487 (*pro hac vice*)

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