



Frank W. Volk
Frank W. Volk, Chief Judge
United States Bankruptcy Court
Southern District of West Virginia
Dated: June 24th, 2020

**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 It is further ORDERED Movants' pending request in the Motion for an administrative expense claim shall be deemed withdrawn, without prejudice, and nothing shall prevent Movants from filing a new application for an administrative expense claim prior to any administrative claim bar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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Counsel for Debtor, Panthera Enterprises, LLC

/s/ Spencer D. Elliott

Spencer D. Elliott (WVSB 8064)

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Counsel for Movants Darrick & Emily Gust

In re:
Panthera Enterprises, LLC
Debtor

Case No. 19-00787-fwv
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0424-2

User: ad
Form ID: pdfdoc

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Total Noticed: 2

Date Rcvd: Jun 24, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 26, 2020.

aty +Mark A. Lindsay, 707 Grant Street, Suite 2200, Pittsburgh, PA 15219-1945
cr +Darrick and Emily Gust, c/o Spencer D. Elliott, Lewis Glasser PLLC,
300 Summers Street Suite 700, Charleston, WV 25301, US 25301-1632

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 26, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 24, 2020 at the address(es) listed below:

Debra Lee Allen on behalf of Creditor West Virginia Economic Development Authority
dallen@spilmanlaw.com
Debra Lee Allen on behalf of Defendant West Virginia Economic Development Authority
dallen@spilmanlaw.com
Douglas E. Kahle, Esq. on behalf of Counter-Claimant Panthera Training, LLC
dkahle@basnightkinser.com
Douglas E. Kahle, Esq. on behalf of Defendant Panthera Training, LLC dkahle@basnightkinser.com
Douglas E. Kahle, Esq. on behalf of Creditor Panthera Training, LLC dkahle@basnightkinser.com
Eric Michael Wilson on behalf of Creditor West Virginia State Tax Department
eric.m.wilson@wv.gov, lora.l.rutledge@wv.gov
Gary O. Kinder on behalf of U.S. Trustee United States Trustee gary.o.kinder@usdoj.gov
John J. Richardson on behalf of Plaintiff Panthera Enterprises, LLC
jrichardson@bernsteinlaw.com
John J. Richardson on behalf of Debtor Panthera Enterprises, LLC jrichardson@bernsteinlaw.com
John J. Richardson on behalf of Counter-Defendant Panthera Enterprises, LLC
jrichardson@bernsteinlaw.com
Julia A. Chincheck on behalf of Counter-Claimant Panthera Training, LLC
jchincheck@bowlesrice.com
Julia A. Chincheck on behalf of Creditor Panthera Training, LLC jchincheck@bowlesrice.com
Julia A. Chincheck on behalf of Defendant Panthera Training, LLC jchincheck@bowlesrice.com
Leslie Gallian leslie.gallian@wvsb.uscourts.gov
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Robert S. Bernstein, Esq. on behalf of Debtor Panthera Enterprises, LLC
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Robert S. Bernstein, Esq. on behalf of Plaintiff Panthera Enterprises, LLC
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Salene Rae Mazur Kraemer on behalf of Counter-Claimant Panthera Enterprises, LLC
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Salene Rae Mazur Kraemer on behalf of Debtor Panthera Enterprises, LLC
skraemer@bernsteinlaw.com, salene@ecf.courtdrive.com,
Spencer D. Elliott on behalf of Creditor Darrick and Emily Gust selliot@lgr.com
Travis Alan Knobbe on behalf of Creditor West Virginia Economic Development Authority
tknobbe@spilmanlaw.com, dambrose@spilmanlaw.com
United States Trustee ustpregion04.ct.ecf@usdoj.gov
William J. Leon on behalf of Counter-Defendant Bill V. Neff, Sr. jayleon@comcast.net
William J. Leon on behalf of Creditor SMI, LLC jayleon@comcast.net
William J. Leon on behalf of Plaintiff Bill V. Neff, Sr. jayleon@comcast.net

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Zachary James Rosencrance on behalf of Creditor Panthera Training, LLC
zrosencrance@bowlesrice.com, ajones@bowlesrice.com
Zachary James Rosencrance on behalf of Counter-Claimant Panthera Training, LLC
zrosencrance@bowlesrice.com, ajones@bowlesrice.com
Zachary James Rosencrance on behalf of Defendant Panthera Training, LLC
zrosencrance@bowlesrice.com, ajones@bowlesrice.com

TOTAL: 28