

ENTERED

November 22, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

COUNTRY FRESH HOLDING
COMPANY, INC., *et. al.*¹

Debtors.

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Case No.: 21-30574

Jointly Administered

**ORDER SUSTAINING TRUSTEE'S LIMITED OBJECTION TO THE MOTION FOR
RELIEF FROM THE AUTOMATIC STAY FILED ON BEHALF OF JOSEPH ENOY**

[Related to Docket No. 1046]

The Court has considered the *Trustee's Limited Objection to the Motion for Relief from the Automatic Stay Filed on Behalf of Joseph Enoy* (the “**Limited Objection**”)² filed by Janet S. Northrup, Chapter 7 Trustee of the above-referenced bankruptcy estates (the “**Trustee**”), any responses thereto, and the argument and authority of counsel. The Court finds that the Limited Objection to the Motion is well-founded and should be sustained. Accordingly, it is hereby ORDERED that:

1. The automatic stay imposed by § 362 of the Bankruptcy Code is modified with respect to the civil lawsuit against certain Country Fresh debtor entities and other defendants styled as *Enoy Joseph v. Joseph Rubin et al.*, pending in the Court of Common Pleas in Montgomery County, PA under Case No. 2021-01493 (the “**Lawsuit**”), solely to the limited extent necessary to

¹ The Debtors in these Chapter 7 cases and the last four digits of each Debtors' taxpayer identification number are as follows: Country Fresh Holding Company Inc. (7822); Country Fresh Midco Corp. (0702); Country Fresh Acquisition Corp. (5936); Country Fresh Holdings, LLC (7551); Country Fresh LLC (1258); Country Fresh Dallas, LLC (7237); Country Fresh Carolina, LLC (8026); Country Fresh Midwest, LLC (0065); Country Fresh Orlando, LLC (7876); Country Fresh Transportation LLC (8244) CF Products, LLC (8404) Country Fresh Manufacturing, LLC (7839); Champlain Valley Specialty of New York, Inc. (9030); Country Fresh Pennsylvania, LLC (7969); Sun Rich Fresh Foods (NV) Inc. (5526); Sun Rich Fresh Foods (USA) Inc. (0429); and Sun Rich Fresh Foods (PA) Inc. (4661).

² Any capitalized term contained in this Order but not so defined shall have the same meaning assigned to it as contained in the Limited Objection.

enable (a) the claims asserted in the Lawsuit to proceed to final judgment or settlement and (b) the Movant to recover any final judgment or settlement against Debtors solely from proceeds of Debtors' insurance policies determined to provide coverage applicable to the Lawsuit (collectively, the "**Policies**"), if any.

2. The Movant agrees and acknowledges that: (a) any amounts recovered by the Movant by a final order or settlement in the Lawsuit as to Debtors are limited solely to proceeds from the Policies, if any, and not from the Debtors, their estates, or their successors and (b) as against Debtors, the Movant must prosecute the Lawsuit (and enforce any judgment obtained on account of the same) solely with respect to proceeds available from the Policies, if any.

3. Neither the Debtors, their bankruptcy estates, nor their successors shall be required to fund costs associated with (a) any self-insured retention or deductible liability, (b) any obligation to post any security or deposit with any non-debtor defendants or any insurance carrier pursuant to the terms of an applicable insurance policy, if any, or (c) any other costs of any kind, including, without limitation, attorneys' fees and expenses or amounts due for any non-debtor defendants' or insurance carriers' claims based on indemnification obligations or applicable insurance policies, if any, against the Debtors, their estates, or their successors in the Lawsuit.

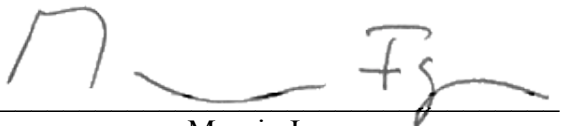
4. The Movant shall not seek any recovery from the Debtors, their bankruptcy estates, or their successors for any amounts that may be awarded to the Movant in the Lawsuit.

5. The Movant shall file this Order in the County Court, or any court in which the Lawsuit is then pending, after the approval by the Bankruptcy Court within ten (10) business days after the entry of this Order.

6. By entry of this Order, the Debtors are not waiving and will not be deemed to have waived any available rights, counterclaims, or defenses, including at law, equity, or otherwise, with respect to the Lawsuit.

7. The Bankruptcy Court retains exclusive jurisdiction with respect to any disputes arising from or other actions to interpret, administer, or enforce the terms and provisions of this Order.

Signed: November 22, 2021



Marvin Isgur
United States Bankruptcy Judge