

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

In re Pipeline Health Systems Holdings, LLC

Debtor

§
§
§
§

Case No. 22-90299
(Chapter 11)

**AVIONA KELLUM, INDIVIDUALLY AND AS REPRESENTATIVE
OF THE ESTATE OF O.W., A DECEASED MINOR'S
MOTION FOR RELIEF FROM AUTOMATIC STAY**

RULE 4001 NOTICE

This is a motion for relief from the automatic stay. If it is granted, the movant may act outside of the bankruptcy process. If you do not want the stay lifted, immediately contact the moving party to settle. If you cannot settle, you must file a response and send a copy to the moving party at least 7 days before the hearing. If you cannot settle, you must attend the hearing. Evidence may be offered at the hearing and the court may rule.

Represented parties should act through their attorney.

There will be a hearing on this matter on _____ 2023, at _____.M. in courtroom no. 400, at 515 Rusk, Houston, Texas, 77002.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Aviona Kellum, Individually and as Representative of the Estate of O.W., a Deceased Minor ("Movant" or "Aviona Kellum"), an individual who has a claim against Pipeline East Dallas, LLC d/b/a City Hospital at White Rock, a domestic non-profit corporation ("Debtor" or "City Hospital") and files this Motion for Relief from Automatic Stay. In support thereof, Movant would respectfully show the Court as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 101 and 11 U.S.C. §§ 361, 362, and other applicable Bankruptcy Code provisions.

2. Beginning on October 1, 2019, Movant and her infant daughter suffered personal injuries while under the admission and care of City Hospital. Movant filed a lawsuit against Debtor styled *Aviona Kellum, Individually and as Representative of the Estate of O.W., a Deceased Minor v. Pipeline East Dallas, LLC d/b/a City Hospital at White Rock, et al*, Cause No. CC-21-04176-A, pending in County Court at Law No. One of Dallas County, Texas (the “Dallas County Suit”). Movant seeks to establish the Debtor’s liability solely for the purpose of recovering against the Debtor’s insurance. Movant has asserted claims of negligence, gross negligence, and vicarious liability against the Debtor seeking damages for those injuries

3. It is believed that Debtor is insured for the incident giving rise to Movant claims and causes of action by a commercial liability insurance policy. Movant hereby agrees and states that she will limit her recovery against Debtor in the Dallas County Suit and claims therein to an amount within the limits of the applicable insurance policy. Movant further states that she will not look to any other assets of the Debtor for the relief sought in his lawsuit.

4. Since Debtor would not owe Movant any monies for the causes of action giving rise to the Dallas County Suit because Movant agrees to look only to Debtor’s applicable insurance policy, if any, Movant requests that this Honorable Court grant relief from the stay, allowing her to pursue Debtor, City Hospital, in the Dallas County Suit asserting all applicable causes of action through said insurance policy limits only.

WHEREFORE, PREMISES CONSIDERED, Movant respectfully requests that the Court, after due notice and opportunity for hearing, issue an order granting Movant relief from the automatic stay provided under 11 U.S.C.A. § 362 and allow the County Court proceeding to continue forward, and for all other relief both at law and at equity that Movant may show herself entitled to.

Dated this 10th of February 2023.

Respectfully submitted,

VAN WEY, METZLER & WILLIAMS, PLLC

/s/ Brady D. Williams

KAY L. VAN WEY

State Bar No. 20461950

BRADY D. WILLIAMS

State Bar No. 24072423

12720 Hillcrest Road, Suite 600

Dallas, TX 75230

Tel: (214) 329-1350

Fax: (800) 582-1042

courtfilings@vwmwlaw.com

brady@vwmwlaw.com

COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was served on this 10th day of February 2023 upon all counsel of record by e-service notification:

<p><u>Via E-Service</u> Jon W. Stephenson Casey Cashion Steed Dunnill Reynolds Bailey Stephenson, LLP 1717 Main Street, Suite 2950 Dallas, Texas 75201 <i>Attorneys for Defendant Pipeline East Dallas, LLC., d/b/a City Hospital at White Rock</i></p>	<p><u>Via E-Service</u> Matthew D. Cavanaugh Jackson Walker LLP 1401 McKinney Street, Suite 1900 Houston, TX 77010 <i>Attorney for Debtor Pipeline East Dallas, LLC. d/b/a City Hospital at White Rock</i></p>
<p><u>Via E-Service</u> David Criss Alexandra Sallade Criss Law Group, P.L.L.C. 12222 Merit Drive, Suite 1350 Dallas, Texas 75251 <i>Attorneys for Defendants Maduka H. Odogwu, M.D. and Holy Cross OBGYN, P.A.</i></p>	

/s/ Brady D. Williams

BRADY D. WILLIAMS