

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION**

In re:)	
)	Chapter 11
)	
OGGUSA, Inc., f/k/n GenCanna Global, USA, Inc., <i>et al.</i> ,)	
)	Case No. 20-50133-GRS
)	
Debtors.)	(Jointly Administered)
)	

**UNOPPOSED MOTION FOR RELIEF FROM STAY
UNDER 11 U.S.C. 362**

Comes now Betty Nelson, by and through the undersigned counsel, and files this Unopposed Motion for Relief From Stay for the purpose of pursuing a civil claim against Michael A. Barrett, a former employee of GenCanna Global, USA, Inc. (hereinafter “Debtors”), who was insured through a policy of insurance naming Debtors as the beneficiary. As grounds for this motion, counsel for Betty Nelson states as follows:

Recitals

1. On November 19, 2019, Betty Nelson suffered injury in a motor vehicle collision when a vehicle driven by Michael A. Barrett (hereinafter “Barrett”) turned left in front of Nelson causing a crash.
2. On November 4, 2020, Betty Nelson (hereinafter “Nelson”) commenced a civil action against Barrett and GenCanna Global, USA, Inc., in the Clark Circuit Court, Winchester, Kentucky, identified as Civil Action No. 20-CI-00506, for injuries Nelson allegedly sustained in a motor vehicle crash (hereinafter “Litigation”);

3. The Debtors and Barrett are the beneficiaries of insurance policies (the “Policies”) that cover damages awarded against the Debtors in the Litigation;

4. On February 5, 2020 (the “Petition Date”), the Debtors each filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§101–1330 (the “Bankruptcy Code”), in the United States Bankruptcy Court for the Eastern District of Kentucky (the “Court”);

5. Nelson does not seek to recover any assets of GenCanna Global, USA, Inc., other than applicable insurance proceeds maintained by general liability insurance policy with Cincinnati Insurance. The liability insurance policy maintained by GenCanna Global, USA, Inc. with Cincinnati Insurance is sufficient to cover the claim for personal injuries as alleged by Nelson, and there is no deductible payment under the applicable policy.

6. Nelson wishes to amend the complaint to remove GenCanna Global, USA, Inc. from the suit, and pursue only Barrett, and the insurance proceeds available through the policy of insurance held by Cincinnati Insurance.

7. Upon the filing of the Debtors’ Chapter 11 petitions, the automatic stay of section 362 of the Bankruptcy Code came into effect, staying certain actions against the Debtors, including the Litigation. Nelson is currently enjoined from pursuing recovery from Barrett through Cincinnati Insurance.

8. The Plan Administrator is not opposed for Nelson to continue her claims against Michael A. Barrett for insurance proceeds only in the state court action.

WHEREFORE, Betty Nelson respectfully requests the following:

1. That the automatic stay shall be lifted to allow Nelson to pursue the Litigation against Barrett and the insurance proceeds from Cincinnati Insurance in Clark Circuit Court, solely to the extent expressly provided herein.

Respectfully submitted,

/s/ Joseph Rugg

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CERTIFICATE OF SERVICE

I certify that on this 15th day of September, 2023, I served a copy of the foregoing on the parties via CM/ECF to:

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