

United States Bankruptcy Court  
Western District of New York

In re:  
Fairport Baptist Homes  
Debtor

Case No. 22-20220-PRW  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0209-2  
Date Rcvd: Jan 16, 2025

User: admin  
Form ID: pdfterm

Page 1 of 3  
Total Noticed: 4

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 18, 2025:

Recip ID	Recipient Name and Address
db	+ Fairport Baptist Homes, PO Box 1738, Fairport, NY 14450-7738
cr	+ Marc T. Carrier, 399 Garnsey Rd, Palmyra, NY 14522-9780
pr	+ Thomas H. Poelma, 4646 Nine Mile Point Road, Fairport, NY 14450-1163

TOTAL: 3

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
	+ Email/Text: ustpreion02.br.ecf@usdoj.gov	Jan 16 2025 18:23:00	William K. Harrington, Office of the United States Trustee, U.S. Federal Office Building, 201 Varick St., Suite 1006, New York, NY 10014-4811

TOTAL: 1

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, 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: Jan 18, 2025

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 16, 2025 at the address(es) listed below:

Name	Email Address
Andrew Layden	on behalf of Interested Party TL Management LLC alayden@bakerlaw.com orlbankruptcy@bakerlaw.com
Andrew Layden	on behalf of Interested Party 4646 Nine Point Road LLC alayden@bakerlaw.com, orlbankruptcy@bakerlaw.com
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Zachary Brandwein  
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zack.brandwein@dentons.com

TOTAL: 50

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

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In re:

Fairport Baptist Homes,

Debtor.

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Bankruptcy Case No. 22-20220-PRW  
Chapter 11

***SUA SPONTE ORDER***  
**LIFTING AUTOMATIC STAY**

On January 16, 2025, the Court held an adjourned hearing on the Debtors' motion objecting to a proof of claim filed by Marc T. Carrier in this case. (ECF No. 909). Both sides filed responsive papers to the initial motion and subsequent opposition. (ECF Nos. 936, 997, 998, 1000, 1001). Based upon the Court's reviews of the submissions, it appears that Mr. Carrier's naming of "Fairport Baptist Homes Caring Ministries" ("FBHCM")—the parent company of the Debtors in this bankruptcy case (*See* ECF No. 12)—as the sole employer-defendant in a District Court complaint alleging employment discrimination may have been in error. (*See* Case No. 23-cv-06007-CJS-CDH (W.D.N.Y. filed Jan. 3, 2023)). This potential error impacts both the adjudication of the Debtors' claim objection, as well as confirmation of the proposed Plan in this Chapter 11 case (because the proposed Plan includes a non-consensual, third-party release of FBHCM (*See* ECF No. 931 at ¶ 1.76 & Article IX)). Under the standard set forth by the Second Circuit in *In re Sonnox Indus., Inc.*, 907 F.2d 1280 (2d Cir. 1990) and consistent with this Court's analysis in *In re Residential World Dev.*, Case No. 24-10793-PRW, 2024 Bankr. LEXIS 2839 (Bankr. W.D.N.Y. Nov. 21, 2024), it is hereby

**ORDERED**, that in the interest of judicial economy and in the exercise of the Court's discretion, the Court *sua sponte* lifts the automatic stay imposed under 11 U.S.C. § 362(a)(1) solely to allow Marc T. Carrier leave to seek to amend the complaint in Western District of New York Case No. 23-cv-06007-CJS-CDH and, if granted, to have his claim litigated so that the amount of that claim, if any, can be determined by the District Court.

**IT IS SO ORDERED.**

Dated: January 16, 2025  
Rochester, New York

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**HON. PAUL R. WARREN**  
United States Bankruptcy Judge