

United States Courts
Southern District of Texas
FILED

APR 01 2024

Nathan Ochsner, Clerk of Court

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

In re:

Chapter 11

IEH Auto Parts,

Case No. 23-90054

Debtors.

Richard M. Snyder,)
)
Movant,)
)
v.)
IEH Auto Parts LLC d/b/a Auto Plus,)
d/b/a Factory Motor Parts,)
Respondent.)

MOTION FOR RELIEF FROM AUTOMATIC STAY

Now comes the Richard M. Snyder, and hereby moves this Court pursuant to 11 U.S.C. § 362(d) for relief from the automatic stay entered in this action per 11 U.S.C. § 362(a) to permit him to pursue his bodily injury claim in the Allegheny County, Pennsylvania Court of Common Pleas arising out of a motor vehicle accident which took place on or about July 13, 2022, to the extent that the debtor, IEH Auto Parts, or any insurance carrier, shall be financially responsible.

In support thereof, movant Richard M. Snyder states as follows:

1. This is a proceeding for relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) and Fed. R. Bankr. P. 4001.
2. On January 31, 2023, Defendant IEH Auto Parts LLC, et al, filed a petition under Chapter 11 of the United States Bankruptcy Code.



3. On October 6, 2023 the Bankruptcy Court entered a Confirmation Order, confirming a Plan of liquidation.
4. Prior to the Confirmation Order, on June 23, 2023, Richard M. Snyder filed claims in the Court of Common Pleas of Allegheny County against Debtor and its agent, Stefan Chatman, for personal injuries arising out of a July 13, 2022 motor vehicle accident.
5. This relief is sought for the limited purpose of enabling Petitioner to continue to pursue his bodily injury tort claim against Debtor Company and its employee/agent, Mr. Chatman.
6. Any judgment or settlement of the claims would be funded by the Chubb insurance policy held by the Debtor at Policy #ISAH2550882, affording \$3,000,000 of bodily injury liability coverage.
7. Movant, Richard M. Snyder, submits that relief from the automatic stay should be granted for cause as contemplated by Section 362(d) of the Bankruptcy Code on account of, without limitations, the following reasons: Debtor will not be prejudiced by an order from this court lifting the automatic stay to the extent of the insurance carried by the debtor at the time of this incident, because if movant, Richard M. Snyder, were to obtain a judgment against the Debtor within the insurance policy limits, said monies would be paid by the Chubb policy held by Debtor, not by the Debtor. Therefore, such a judgment would not affect the assets of the Debtor's Liquidation Plan.

WHEREFORE, movant, Richard M. Snyder, moves this Court for relief from the automatic stay so that he may pursue the bodily injury tort claims and a possible civil action against the debtor, IEH Auto Parts LLC, et al. , to the extent of any applicable liability insurance policy limits. Furthermore, movant Richard M. Snyder moves the Court to deny Debtor from being discharged

to the extent their insurance company will be responsible for damages arising out of the July 13, 2022, motor vehicle accident. A proposed order is attached hereto as Exhibit A.

Respectfully Submitted,

Movant, Richard M. Snyder, by his attorney,

/s/ Ryan M. Flaherty

Ryan M. Flaherty, Esquire

PA ID No. 314552

18 Campus Blvd, Suite 100

Newtown Square, PA 19043

ryanflaherty@gosimon.com

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

In re:

Chapter 11

IEH Auto Parts,

Case No. 23-90054

Debtors.

Richard M. Snyder,)
)
Movant,)
)
v.)
IEH Auto Parts LLC d/b/a Auto Plus,)
d/b/a Factory Motor Parts,)
Respondent.)

**ORDER LIFTING AUTOMATIC STAY AS TO
PERSONAL INJURY CLAIM OF RICHARD M. SNYDER**

AND NOW, this day of , 2024, upon consideration of the Motion to Lift Automatic Stay, the responses thereto, it is hereby ORDERED the automatic stay is LIFTED with respect to the bodily injury claims of Richard Snyder (Allegheny County Court of Common Pleas Docket Number GD-23-007750) to proceed only to the extent of insurance coverage provided by the Chubb Insurance policy # ISAH2550882 providing IEH Auto Parts, LLC and Stefan Chatman with \$3,000,000.00 of bodily injury coverage. It is further ORDERED that all claims, including all crossclaims and counterclaims against Debtor, are limited to the coverage provided by the Chubb Insurance policy # ISAH2550882 providing debtor and its agents/employees with \$3,000,000.00 of bodily injury coverage.

_____ J.

CERTIFICATE OF SERVICE

I, Ryan M. Flaherty, attorney for Plaintiff, certify that the foregoing Plaintiff's Document was served on counsel via electronic mail on March 1, 2024 upon the following:

Scott Toomey, Esquire
Ericka Esposito, Esquire
LITTLETON, PARK, JOYCE, UGHETTA & KELLY, LLP
201 King of Prussia Rd., Suite 220,
Radnor, PA 19087
Scott.Toomey@littletonpark.com
Ericka.Esposito@littletonpark.com
Attorneys for Defendant

SIMON & SIMON, P.C.

/s/ Ryan M. Flaherty

Ryan M. Flaherty, Esquire
Attorney for Plaintiff



SIMON & SIMON, PC
INJURY LAWYERS

Headquarters

18 Campus Blvd | Suite 100
Newtown Square, PA 19073
Tel: (215) 467-4666 | Fax: (267) 639-9006

Marc I. Simon, Esquire ♦
Michelle Skalsky-Simon, Esquire (Retired)
Joshua A. Rosen, Esquire ~
Matthew J. Zamites, Esquire ~
Brian F. George, Esquire ♦♦
Michael K. Simon, Esquire ~
Mary G. McCarthy, Esquire ~
Joshua D. Baer, Esquire ~
Amanda Nese, Esquire ~
Ashley Henkle, Esquire ~
Brittany Sturges, Esquire ~
Daniel Ward, Esquire ♦
Carleigh Baldwin, Esquire++
Roman Galas, Esquire ♦
Ryan Flaherty, Esquire ~
Samuel Gangemi, Esquire ♦
Sarkis Drangotchian, Esquire~

Kane Daly, Esquire ~
Anthony Canale, Esquire ♦
Kelly Peterson, Esquire ♦
Harry Gosnear, Esquire ♦
Christopher Green, Esquire ♦
Adam Holtman, Esquire++
Andrew Baron, Esquire~
Charles Williams, Esquire ♦
Christopher Burruezo, Esquire ♦
Jessica Thimons, Esquire ~
Sam Reznik, Esquire ~
Mackenzie Bince, Esquire++
Edward Costello, Esquire+
Blaise Richards, Esquire ♦
Ari Sliffman, Esquire ♦
Matthew Kirouac, Esquire++
Abigail Boyd, Esquire~

~ Licensed in PA
♦ Licensed to practice in PA & NJ
♦♦ Licensed to practice in PA & MA
♦♦♦ Licensed to practice in PA & NY
♦♦♦♦ Licensed to practice in PA, NJ & NY
□ Licensed to practice in PA & OH
+ Licensed to practice in NJ
++ Licensed to practice in MA

marcsimon@gosimon.com
www.gosimon.com

March 1, 2024

VIA CERTIFIED MAIL

Bob Casey United States Courthouse
Attn: Clerk of Court
515 Rusk Ave.,
Houston, TX 77002

RE: Richard M. Snyder v. IEH Auto Parts Holding LLC, d/b/a Auto Plus, d/b/a Factory Motor Parts
Case No. 23-90054-CML

To Whom it May Concern,

This office represents the Plaintiff in the above captioned matter. Please find enclosed for filing, a Motion for Relief from Automatic Stay and Proposed Order. Kindly return a time stamped copy of the duplicate copy of the motion utilizing the enclosed prepaid envelope. If you should have any questions, please do not hesitate to contact me, 412-965-5398.

Sincerely,

Ryan Flaherty
SIMON & SIMON, P.C.
Ryan M. Flaherty, Esquire

CC: Scott Toomey, Esq. and Ericka Esposito, Esq.

ADDITIONAL OFFICES

PHILADELPHIA | 2 Logan Square | Suite 300 | Philadelphia, PA 19103 | Tel: (215) 467-4666
PITTSBURGH | 301 Grant Street | Suite 270 | Pittsburgh, PA 15219 | Tel: (412) 360-7257
ERIE | 1001 State Street | Suite 1400 | Erie, PA 16501 | Tel: (814) 240-5190
YOUNGSTOWN | 11 Central Square West | Youngstown, OH 44503 | Tel: (330) 259-1486

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS**

In Re: IEH Auto Parts Holding LLC
AP Acquisition Company North Carolina LLC Case No.: 23-90054
Debtor(s)
Chapter: 11

NOTICE OF HEARING ON RELIEF FROM STAY

On 4/3/24, a motion was filed seeking relief from the automatic stay of 11 U.S.C. 362. The court has set the preliminary hearing on the motion for:

DATE:

TIME:

LOCATION:

If you object to the lifting of the stay, no later than seven days before the hearing you must:

1. File with the Clerk and affidavit stating that:
 - a. You have conferred with the movant in a good faith effort to reach an agreement with the dates and times of the conferences,
 - b. The efforts were unsuccessful, and
 - c. A hearing is required.
2. File with the Clerk your written answer opposing the motion; include:
 - a. The particular grounds for the opposition under Federal Rules 8(b) and 11;
 - b. The identity of the interest in the property;
 - c. The provable value of the property and the equity after deduction of all encumbrances; and
 - d. Attach copies of your affidavit of conferences and the motion to your answer.
3. Serve a copy of the written answer on the movant.

Your written answer will be your request for hearing. No hearing will be held on the request of movant or on an answer received within seven days before the hearing.

Date Issued: 4/3/24

Nathan Ochsner
Clerk, U.S. Bankruptcy Court

To the Movant: A copy of this notice with a copy of your motion must be served within 24 hours of receipt from the Clerk. A proof of service form is attached.

Federal Rule of Civil Procedure 8(b)

Defenses: Admissions and Denials. (1) In responding to a pleading, a party must (A) state in short and plain terms its defenses to each claim asserted against it; and (B) admit or deny the allegations asserted against it by an opposing party. (2) A denial must fairly respond to the substance of the allegation. (3) A party that intends in good faith to deny all the allegations of a pleading – including the jurisdictional grounds – may do so by general denial. A party that does not intend to deny all the allegations must either specifically deny designated allegations or generally deny all except those specifically admitted. (4) A party that intends in good faith to deny only part of an allegation must admit the part that is true and deny the rest.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS**

In Re: IEH Auto Parts Holding LLC
AP Acquisition Company North Carolina LLC
Debtor(s)

Case No.: 23-90054

PROOF OF SERVICE
Motion for Relief from Stay and Notice of Hearing

On behalf of the movant, I certify that I am more than 18 years of age, and I served a copy of the motion for relief from stay with the notice of hearing.

(a) on this date: _____

(b) by this method: _____

(c) on these entities: _____

I certify under penalty of perjury that this is true.

Date Signed

Signature

Counsel (typed)

For Party