

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re: Chapter 11
HIGHER GROUND EDUCATION, INC., Case No. 25-80121-11
*et al.*¹

(Jointly Administered)
Debtor.

**STIPULATION AND AGREED ORDER GRANTING MOTION FOR
RELIEF FROM THE AUTOMATIC STAY TO PURSUE INSURANCE PROCEEDS**

The above-captioned debtors and debtors in possession (collectively, the “Debtors”), the
Official Committee of Unsecured Creditors in the above-captioned chapter 11 case

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal identification number, are: Higher Ground Education Inc. (7265); Guidepost A LLC (8540); Prepared Montessorian LLC (6181); Terra Firma Services LLC (6999); Guidepost Birmingham LLC (2397); Guidepost Bradley Hills LLC (2058); Guidepost Branchburg LLC (0494); Guidepost Carmel LLC (4060); Guidepost FIC B LLC (8609); Guidepost FIC C LLC (1518); Guidepost Goodyear LLC (1363); Guidepost Las Colinas LLC (9767); Guidepost Muirfield Village LLC (1889); Guidepost Richardson LLC (7111); Guidepost South Naperville LLC (8046); Guidepost St Robert LLC (5136); Guidepost The Woodlands LLC (6101); Guidepost Walled Lake LLC (9118); HGE FIC D LLC (6499); HGE FIC E LLC (0056); HGE FIC F LLC (8861); HGE FIC G LLC (5500); HGE FIC H LLC (8817); HGE FIC I LLC (1138); HGE FIC K LLC (8558); HGE FIC L LLC (2052); HGE FIC M LLC (8912); HGE FIC N LLC (6774); HGE FIC O LLC (4678); HGE FIC P LLC (1477); HGE FIC Q LLC (3122); HGE FIC R LLC (9661); LePort Emeryville LLC (7324); AltShool II LLC (0403). The Debtors’ mailing address is 1321 Upland Dr. PMB 20442, Houston, Texas 77043.



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(the “Committee”), and creditors Chase and Tal Simon, individually and on behalf of their children (the “Movants”), hereby stipulate and agree as follows:

Recitals

Whereas, on June 17, 2025, the Debtors filed voluntary petitions for relief under chapter 11 of the U.S. Bankruptcy Code.

Whereas, the Movants assert claims against the Debtors for injuries suffered at the Debtors’ Guidepost Muirfield Village location. *See* proofs of claim 265, 271, 272, 274, 277, 278, 279, 280, 281, and 282.

Whereas, the Movants seek relief from the automatic stay for the limited purpose of pursuing insurance proceeds (the “Insurance Proceeds”) from StarNet Insurance Company (the “Insurer”) policy no. HHN 8598848-11 (the “Insurance Policy”).

Whereas, the Parties stipulate and agree as set forth below:

**NOW, THEREFORE, IT IS HEREBY ORDERED, STIPULATED, AND AGREED
AS FOLLOWS:**

1. The Movants are granted relief from the automatic stay solely to pursue and recover the Insurance Proceeds; *provided, however*, that the automatic stay shall remain in place with respect to any collection by the Movants of any claim(s) or the enforcement of any judgment against any of the Debtors or their estates or any successor thereto; *provided, further, however*, the Movants may collect on any claims from the Insurance Policy or Insurer as provided for by applicable law, and the Insurer may defend, compromise, or pay any such claims without need for further order or relief from this Court.

2. The Movants’ relief is limited to the pursuit and recovery of the Insurance Proceeds such that the Movants may not pursue any affirmative relief against the Debtors and any discharge

shall apply otherwise according to its terms with respect to any collection by the Movant of any claim against the Debtors, their estates, or any successor thereto.

3. Should Movants obtain any judgment or settlement that results in the receipt of Insurance Proceeds from an Insurer regarding the claims underlying any proof of claim filed by the Movants, including Claim Nos. 265, 271, 272, 274, 277, 278, 279, 280, 281, and 282, Movants shall withdraw and/or amend their respective Proofs of Claim to reflect the satisfaction and/or partial satisfaction based on the receipt of such Insurance Proceeds. The Debtors reserve all rights with respect to Claim Nos. 265, 271, 272, 274, 277, 278, 279, 280, 281, and 282.

4. For avoidance of doubt, the automatic stay is lifted, if and to the extent applicable, to allow, but not to require, the Insurer and third party administrators to administer, handle, defend, settle, and/or pay the Movant's claims (and any costs related thereto) subject to and in accordance with the terms of the Insurance Policy, any related agreements, or any claim services agreement.

5. Nothing contained herein shall be construed as an admission of liability by the Debtors regarding any claim or cause of action arising from or in relation to Movants' claims or any other matter.

6. Nothing contained herein, and nothing in the parties' agreement, waives, prejudices, or releases any defense, affirmative defense, right, argument, or issue that the Debtors may have with respect to the claims of the Movants, and nothing herein allows or otherwise contains any finding with respect to the validity, if any, of such claims.

7. Nothing contained herein, and nothing in the parties' agreement, waives, prejudices, or releases any right, claim, cause of action, or issue that the Debtors or their estates have against any insurance policy or insurance carrier with respect to the claims of the Movants or otherwise.

8. The Court shall retain jurisdiction to interpret and enforce this Order.

END OF ORDER

AGREED AS TO FORM AND SUBSTANCE:

NATHAN SOMMERS GIBSON DILLON PC

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