

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re)	
PREMIER KINGS, INC.)	Case No.: 23-bk-02871-TOM-11
Debtor.)	Chapter 11
_____)	

**MOTION FOR RELIEF FROM
AUTOMATIC STAY BY TRACEY SCUSSELL**

Tracey Scussell (“Movant”), by and through the undersigned attorney, hereby moves the Court for an Order granting relief from the automatic stay against debtor, Premier Kings, Inc. (“Debtor”), and in support of the motion states:

1. This Motion is brought pursuant to 11 U.S.C. § 362(d)(1) and (2). This Court has jurisdiction of the matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(g).

2. On October 25, 2023, Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code (the “Bankruptcy Case”).

3. On July 26, 2022, Movant, filed suit against Debtor for damages related to injuries sustained on Debtor’s premises located at 542370 U.S. Highway 1, Callahan, Florida, as more fully described in the complaint in the case styled *Tracey Scussell v. Premier Kings of Georgia Inc.*, Circuit Court, Fourth Judicial Circuit, Nassau County, Florida; Case No.: 22-CA-239 (the “State Court Litigation”). The Movant is unable to



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continue litigation of the State Court Litigation against the Debtor as such pursuit is stayed due to the filing of Debtor's Bankruptcy Case.

4. The Movant seeks relief from the stay against Debtor so as to proceed with the State Court Litigation for the purposes of liquidating the Movant's claim¹ resulting from the injuries alleged and collecting from any available insurance and not directly from the Debtor. In the event that the claim is liquidated and exceeds the available insurance, the Movant will not seek to execute on the judgment and collect the claim directly from the Debtor.

5. Relief from the automatic stay should be granted in accordance with Section 362(d)(1) of the Bankruptcy Code, for cause, as the Movant's claim for personal injury tort claim or claims are outside the jurisdiction of the Bankruptcy Court pursuant to 28 U.S.C. Section 157(b)(5).

6. On information and belief, Debtor is the named insured under an insurance policy issued by Trisura Specialty Insurance Company. The proceeds of such policy are not property of the Debtor's estate and pursuit of the Movant's claims against the proceeds of such insurance policy will not affect the administration of this bankruptcy estate in any manner.

WHEREFORE, Movant requests:

1. That the automatic stay pursuant to 11 U.S.C. § 362 be modified against the Debtor to permit the Movant to proceed with the State Court Litigation for the

¹ All referenced to "Claim" shall include and refer to the plural "Claims" to the extent that Movant possesses multiple individual claims against Debtor.

purposes of liquidating the Movant's claim or claims resulting from the injuries alleged and collecting the claim or claims from any available insurance.

2. That the Movant be granted such other relief as is just and equitable.

THAMES | MARKEY

/s/ Katheryn E. Hancock

By _____
Katheryn E. Hancock

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Certificate of Service

I certify that, on September 5, 2024, a copy of the foregoing was filed electronically with the Court's CM/ECF filing system which will generate an electronic notice of filing to all creditors and parties in interest who have consented to receiving electronic notices in this case.

/s/ Kathryn E. Hancock

Attorney