

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

In re:

STAGE STORES, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 20-32564 (DRJ)
(Jointly Administered)

STEVEN BALASIANO, AS PLAN
ADMINISTRATOR OF STAGE STORES,
INC., *et al.*,

Plaintiff,

v.

CERTAIN UNDERWRITERS AT LLOYD'S
LONDON – BRIT SYNDICATE 2987 AND
BRIT SYNDICATE 2988, EVEREST
INDEMNITY INSURANCE COMPANY,
and QBE SPECIALTY INSURANCE
COMPANY,

Defendants.

Adv. Pro. No. 22-03142 (DRJ)

**CERTIFICATION OF COUNSEL WITH RESPECT TO THE
EXPEDITED JOINT MOTION FOR MEDIATION ORDER AND
TO STAY ACTION PENDING MEDIATION**

Pursuant to the *Procedures for Complex Chapter 11 Cases in the Southern District of Texas*, the undersigned counsel for Steven Balasiano , in his capacity as the Plan Administrator of Stage Stores, Inc. and Specialty Retailers, Inc., together with the undersigned counsel for the Defendants and Counter-Claimants (i) Those Certain Underwriters at Lloyd's, London subscribing to Policy Number PD-10921-00 – Brit Syndicate 2987 and Brit Syndicate 2988, (ii) Everest

¹ The Debtors, along with the last four digits of each Debtor's federal tax identification number, are: Stage Stores, Inc. (6900) and Specialty Retailers, Inc. (1900).



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Indemnity Insurance Company, and (ii) QBE Specialty Insurance Company (collectively, the “Parties”), certifies as follows:

1. On August 9, 2022, the Parties jointly filed the *Expedited Joint Motion for Mediation Order and to Stay Action Pending Mediation* [Adv. Pro. Docket No. 10] (the “Joint Motion”). Included with the Joint Motion was a proposed order (“Proposed Order”).
2. The requested date of expedited relief for the Joint Motion was August 22, 2022 (“Expedited Relief Deadline”). No objections to the Joint Motion were filed on the docket on or before the Expedited Relief Deadline. Additionally, counsel for the Parties did not receive any informal responses to the Joint Motion.
3. The Parties’ counsel have conferred and stipulated to the entry of a revised Proposed Order (the “Revised Order”) attached hereto as **Exhibit A**. A redline reflecting the changes between the Proposed Order and the Revised Order is attached hereto as **Exhibit B**.
4. Accordingly, the Parties request the Court enter the Revised Order at the earliest convenience of the Court.

[Remainder of Page Intentionally Left Blank]

Dated: August 23, 2022

/s/ James W. Walker

James W. Walker (TX Bar No. 20709600)

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/s/ Jerrod L. Rinehart

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*Counsel to Those Certain Underwriters at
Lloyd's, London subscribing to Policy
Number PD-10921-00 – Brit Syndicate 2987
and Brit Syndicate 2988, Everest Indemnity
Insurance Company, and QBE Specialty
Insurance Company*

Certificate of Service

I certify that on August 23, 2022, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ James W. Walker

James W. Walker

Exhibit A

Revised Order

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

In re: STAGE STORES, INC., <i>et al.</i> , ¹ Debtors.	Chapter 11 Case No. 20-32564 (DRJ) (Jointly Administered)
STEVEN BALASIANO, AS PLAN ADMINISTRATOR OF STAGE STORES, INC., <i>et al.</i> , Plaintiff, v. CERTAIN UNDERWRITERS AT LLOYD’S LONDON – BRIT SYNDICATE 2987 AND BRIT SYNDICATE 2988, EVEREST INDEMNITY INSURANCE COMPANY, and QBE SPECIALTY INSURANCE COMPANY, Defendants.	Adv. Pro. No. 22-03142 (DRJ)

**ORDER GRANTING JOINT MOTION FOR MEDIATION
AND TO STAY ACTION PENDING MEDIATION**

Upon the joint motion (the “Joint Motion”)² of Steven Balasiano, in his capacity as Plan Administrator for the chapter 11 estates of Stage Stores, Inc. and Specialty Retailers, Inc. (collectively, the “Debtors”), together with Defendants and Counter-Claimants (i) Those Certain Underwriters at Lloyd’s, London subscribing to Policy Number PD-10921-00 – Brit Syndicate 2987 and Brit Syndicate 2988, (ii) Everest Indemnity Insurance Company, and (ii) QBE Specialty

¹ The Debtors, along with the last four digits of each Debtor’s federal tax identification number, are: Stage Stores, Inc. (6900) and Specialty Retailers, Inc. (1900).

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Joint Motion.

Insurance Company (collectively, the “Defendants” and together with Plaintiff, the “Parties”), for entry of an order (this “Order”) (i) referring the Parties to enter non-binding mediation before John DeGroote of DeGroote Partners, LLC on September 6, 2022, and (ii) staying all deadlines related to this Adversary Proceeding for ninety (90) days, or as otherwise provided herein, or upon further order of the Court; and this Court having found that the relief requested in the Joint Motion is in the best interests of the parties; and this Court having reviewed the Joint Motion determined that the legal and factual bases set forth in the Joint Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

1. At least one representative with settlement authority from each Party shall attend mediation, virtually or in-person, before John DeGroote of DeGroote Partners, LLC on September 6, 2022 at 9:00 a.m. (Central Time), to resolve their disputes related to the Complaint, pursuant to District Local Rule 16.4 and 28 U.S.C. § 652 *et seq.*

2. The Parties shall share the fees and costs of the mediation equally, and each party shall bear its own costs with respect to mediation.

3. This Adversary Proceeding shall be stayed for ninety (90) days through and including November 7, 2022, pending the Parties’ non-binding mediation, or by further order of the Court.

4. Plaintiff shall not object to any motion to determine this matter to be non-core or to withdraw the reference as being untimely and Defendants’ right to seek a determination that this matter is non-core or to move for a withdrawal of the reference pursuant to FED. R. BANKR. P. 5011 is not waived and is expressly reserved; *provided, however*, that Plaintiff’s right to contest any such motion(s) on any other grounds is expressly preserved.

5. Plaintiff's deadline to respond to the counterclaims asserted in Defendants' Answer, previously scheduled for July 8, 2022, is hereby extended to October 6, 2022.

6. In accordance with District Local Rule 16.4.K, the Parties will file a joint memorandum with the Court within 14 days after the mediation concludes informing the Court of, among other things, the outcome of the mediation.

Houston, Texas

Dated: _____, 2022

THE HONORABLE DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

Exhibit B

Redline of Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
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Houston, Texas

Dated: _____, 2022

THE HONORABLE DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE