

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division

In Re:)	BK No.: 19-03740
)	
)	Chapter: 11
CAR OUTLET AC LLC)	Honorable Carol A. Doyle
)	
)	
Debtor(s))	

ORDER DENYING MOTION TO LIFT STAY AND MODIFYING THE DISCHARGE ORDER

Upon the joint request of counsel for reorganized debtor Car Outlet AC LLC in the above-captioned chapter 11 case (the "Reorganized Debtor") and counsel for plaintiff Kavonta Leaks (the "Claimant") at the hearing before this Court on January 23, 2019; and after due deliberation, it is **HEREBY ORDERED THAT:**

1. Claimant's motion to lift the automatic stay filed on January 20, 2020 in the cases jointly administered at Case No. 19-03734[Docket No. 710] (the "Motion") is **DENIED**.
2. The injunction entered by this Court pursuant to its Order Confirming the Second Amended Joint Chapter 11 Plan of Reorganization for Total Finance Investment Inc. and Its Debtor Affiliates [Docket No. 501] (the "Discharge Order") (the "Injunction") is modified with respect to the action pending in the Circuit Court of Cook County, Illinois, Case No. 2017 L 11946 (the "Leaks Action"), for the exclusive purpose of permitting the Claimant to proceed against the Reorganized Debtor as a nominal defendant only, at no cost to the Reorganized Debtor, the Reorganized Debtor's estate, or its successors, so that the Claimant may establish liability against the Reorganized Debtor for the sole purpose of recovering from either (a) any non-Reorganized Debtor defendants, (b) any proceeds of available insurance policies issued in the name or for the benefit of the Reorganized Debtor (collectively, the "Debtor Policies"), or (c) any third-party insurance policies that may apply (together with the Debtor Policies, the "Permitted Policies").
3. The Discharge Order is modified only to the extent the Reorganized Debtor's estate is not required to incur any out of pocket costs on account of the Claimant's continued prosecution of the Leaks Action, whether on account of defense costs, deductibles, retentions, or otherwise.
4. The Claimant must file this Order in the court in which the Leaks Action is pending within ten (10) business days after entry of this Order.
5. By not contesting this Order, the Reorganized Debtor is not waiving and will not be deemed to have waived any available defenses, including in law, equity, or otherwise with respect to the Leaks Action.



Enter:

Honorable Carol A. Doyle

United States Bankruptcy Judge

Dated:

Prepared by:

Bojan Guzina (ARDC # 6277585)

Jackson T. Garvey (ARDC #6320652)

One South Dearborn Street

Chicago, Illinois 60603

Telephone: (312) 853-7000

Facsimile: (312) 853-7036

ATTORNEYS FOR THE REORGANIZED DEBTOR