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21 Attorneys for Plaintiffs CAL LeDUC; TORI ABBY; MILEY ABBY, a minor, by and  
22 through her Guardian ad Litem TORI ABBY; MANDY JOBE; LUKUS LeDUC; and JAY  
23 LeDUC

24 SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO  
25 CENTRAL DIVISION

26 CAL LeDUC; TORI ABBY; MILEY  
27 ABBY, a minor, by and through her  
28 Guardian ad Litem TORI ABBY;  
MANDY JOBE; LUKUS LeDUC; and  
JAY LeDUC

Plaintiffs,

v.

MARIO ALBERTO GUERRA; DANIEL  
M. CANCHOLA; GUERRA PRODUCE;  
and DOES 1 to 50, inclusive,

Defendants.

CASE NO.: 13 CE CG 03811 MWS

**NOTICE OF ORDER GRANTING  
RELIEF FROM STAY TO PURSUE  
PENDING ACTION IN NON-  
BANKRUPTCY FORUM PURSUANT  
TO 11 U.S.C. 362(d)(1)**

///

Notice of Order Granting Relief From Stay to Pursue Pending Action  
(Re USBC Case No. 17-11365)

-1-

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on July 7, 2017, the Honorable Rene' Lastreto, II,  
3 signed the Order Granting Relief from Stay to Pursue Pending Action in Non-Bankruptcy  
4 Forum Pursuant to 11 U.S.C. 362(d)(1) in the matter of Mario A. Guerra, United States  
5 Bankruptcy Court Case No. 17-11365.

6 A copy of said Order is attached hereto and served herewith as Exhibit A.

7  
8 DATED: July 9, 2017.

CORNWELL & SAMPLE, LLP

9  
10 By: 

Stephen R. Cornwell

René Turner Sample

Attorneys for Plaintiffs

11 CAL LeDUC; TORI ABBY; MILEY ABBY,  
12 a minor, by and through her Guardian ad  
13 Litem TORI ABBY; MANDY JOBE;  
14 LUKUS LeDUC; and JAY LeDUC  
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Notice of Order Granting Relief From Stay to Pursue Pending Action  
(Re USBC Case No. 17-11365)

-2-

# Exhibit A

(SPACE BELOW FOR FILING STAMP ONLY)

1 WALTER WILHELM LAW GROUP  
 2 a Professional Corporation  
 3 Michael L. Wilhelm #101495  
 4 Matthew P. Bunting #306034  
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 10 mbunting@W2LG.com

11 Attorneys for Movants  
 12 CAL LeDUC; TORI ABBY; MILEY ABBY, a  
 13 Minor, by and through her Guardian ad Litem  
 14 TORI ABBY; MANDY JOBE; LUKUS LeDUC;  
 15 JAY LeDUC; and CAL LeDUC as successor  
 16 In interest to the estate of Marsha Kay LeDUC,

17  
 18 IN THE UNITED STATES BANKRUPTCY COURT  
 19 EASTERN DISTRICT OF CALIFORNIA  
 20 FRESNO DIVISION

21 In re  
 22 MARIO A. GUERRA,  
 23 Debtor.

24 CASE NO. 17-11365  
 25 Chapter 7  
 26 DC NO. WW-1

27 CAL LeDUC; TORI ABBY; MILEY ABBY, a  
 28 Minor, by and through her Guardian ad  
 Litem TORI ABBY; MANDY JOBE; LUKUS  
 LeDUC; JAY LeDUC; and CAL LeDUC as  
 successor In interest to the estate of  
 Marsha Kay LeDUC,

**ORDER GRANTING RELIEF FROM  
 STAY TO PURSUE PENDING ACTION  
 IN NON-BANKRUPTCY FORUM  
 PURSUANT TO 11 U.S.C. 362(d)(1)**

Date: July 6, 2017  
 Time: 9:30 a.m.  
 Place: 2500 Tulare Street  
 Fresno, CA 93721  
 Courtroom 13  
 Judge: Honorable René Lastreto II

29 Movants.  
 30 v.  
 31 MARIO A. GUERRA and TRUDI G.  
 32 MANFREDO, Chapter 7 Trustee,  
 33 Respondents.

34 //

35 //

RECEIVED  
 July 05, 2017  
 CLERK, U.S. BANKRUPTCY COURT  
 EASTERN DISTRICT OF CALIFORNIA  
 0006081609

ORDER GRANTING RELIEF FROM STAY TO  
 PURSUE PENDING ACTION IN NON-BANKRUPTCY  
 FORUM PURSUANT TO 11 U.S.C. 362(d)(1)

1 AT FRESNO, IN THE EASTERN DISTRICT OF CALIFORNIA.

2 The hearing on the Motion for Relief from Stay to Pursue Pending Action in Non-  
3 Bankruptcy Forum Pursuant to 11 U.S.C. § 362(d)(1) ("Motion") filed by CAL LeDUC;  
4 TORI ABBY; MILEY ABBY, a Minor, by and through her Guardian ad Litem TORI  
5 ABBY; MANDY JOBE; LUKUS LeDUC; JAY LeDUC; and CAL LeDUC as successor In  
6 interest to the estate of Marsha Kay LeDUC, ("Movants"), parties in interest in the  
7 Chapter 7 bankruptcy proceeding of MARIO A. GUERRA (the "Debtor"), came before  
8 the Court for hearing at the above date and time in the above entitled courtroom. The  
9 matter was resolved without oral argument.  
10

11 The Court considered the Motion, the Memorandum of Points and Authorities  
12 and other papers submitted in support of the Motion including the Declaration of  
13 Stephen Cornwell, the record in this case, and admissible evidence presented to the  
14 Court on the Motion, and having received no objection to the Motion, hereby finds that:  
15 (a) notice of the Motion and hearing thereon were adequate, proper, and in compliance  
16 with B.R. 7004; (b) there is good cause to modify the automatic stay. Based on the  
17 foregoing:  
18

19 IT IS HEREBY ORDERED that:  
20

21 1. The Motion is GRANTED.

22 2. The automatic stay under 11 U.S.C. §362 is modified to permit the action  
23 styled as *Cal LeDuc et. al. v. General Motors Corporation et. al.* Case No.  
24 13CECG03811, pending before the Superior Court of California for the County of  
25 Fresno County (the "Car Crash Litigation"), to proceed to conclusion through and  
26 including the entry of judgment, including any post-judgment motions, appeals or other  
27 appellate review. Relief from the automatic stay is granted to permit enforcement of  
28

1 judgment against any insurance proceeds resulting from the litigation. Relief from the  
2 automatic stay is not granted to permit enforcement of any judgment against the Debtor.

3 3. The 14 day stay imposed by FRBP 4001(a)(3) is waived.  
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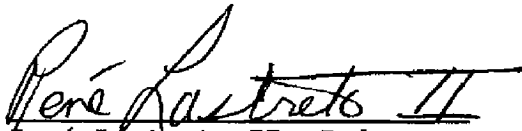
8  
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10 Submitted by:  
11 WALTER WILHELM LAW GROUP

12 

13 Michael L. Wilhelm, Attorneys for  
14 Movants CAL LeDUC; TORI ABBY;  
15 MILEY ABBY, a Minor, by and  
16 through her Guardian ad Litem  
17 TORI ABBY; MANDY JOBE;  
18 LUKUS LeDUC; JAY LeDUC; and  
19 CAL LeDUC as successor in interest  
20 to the estate of Marsha Kay LeDUC  
21  
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23

24 Dated: Jul 07, 2017

By the Court

25 

26 René Lastreto II, Judge  
27 United States Bankruptcy Court  
28

**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 7045 N. Fruit Avenue, Fresno, California. On July 10, 2017, I served the within documents:

***NOTICE OF ORDER GRANTING RELIEF FROM STAY TO PRSUE PENDING ACTION IN NON-BANKRUPTCY FORUM PURSUANT TO 11 U.S.C. 362(d)(1) (Mario A. Guerra)***

☐

**BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

☐

**BY HAND:** by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

☒

**BY MAIL:** by placing the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

☐

**BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.

☐

**BY PERSONAL DELIVERY:** by causing personal delivery by \_\_\_\_\_ of the document(s) listed above to the person(s) at the address(es) set forth below.

☐

**BY ELECTRONIC MAIL:** to the electronic mail address(es) below.

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& NUMMI*

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*Co-Counsel for Defendants  
TRQSS, INC., et al.*

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*Co-Counsel for Defendants  
TRQSS, INC., et al.*

1 I am readily familiar with the firm's practice of collection and processing  
2 correspondence for mailing. Under that practice it would be deposited with the U.S.  
3 Postal Service on that same day with postage thereon fully prepaid in the ordinary course  
4 of business. I am aware that on motion of the party served, service is presumed invalid if  
postal cancellation date or postage meter date is more than one day after date of deposit  
for mailing in affidavit.

5 I declare under penalty of perjury under the laws of the State of California  
6 that the above is true and correct.

7 Executed on July 10, 2017, at Fresno, California.

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10 MARY MADEWELL  
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