

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re: ) Chapter 11  
)  
F21 OPCO, LLC, *et al.*, ) Case No. 25-10469 (MFW)  
)  
Debtors.<sup>1</sup> ) (Jointly Administered)  
)  
) Re: Docket No. 553

**CERTIFICATION OF COUNSEL OF PROPOSED ORDER GRANTING MOTION  
OF LANETTE SULLIVAN FOR ORDER GRANTING RELIEF FROM THE  
AUTOMATIC STAY AND/OR PLAN INJUNCTIONS**

I, James Tobia, counsel for Lanette Sullivan (“Movant”), hereby certify as follows:

1. On July 17, 2025, Movant filed the *Motion of Lanette Sullivan for Order Granting Relief from the Automatic Stay and/or Plan Injunctions* [D.I. No. 553] (the “Motion”).
2. Counsel for Movant and counsel for the above-captioned debtors have reached agreement on a revised proposed from order (the “Proposed Order”) resolving the Motion. A true and correct copy of the Proposed Order is attached hereto as Exhibit “A”.

WHEREFORE, it is hereby respectfully requested that the Court enter the Proposed Order attached hereto as Exhibit A at its earliest convenience.

*[Signature Page to Follow]*

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<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: F21 OpCo, LLC (8773); F21 Puerto Rico, LLC (5906); and F21 GiftCo Management, LLC (6412). The Debtors’ address for purposes of service in these Chapter 11 Cases is 110 East 9th Street, Suite A500, Los Angeles, CA 90079.



Dated: August 12, 2025

THE LAW OFFICE OF JAMES TOBIA, LLC

By: James Tobia

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*Attorney for Movant Lanette Sullivan*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

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In re:

F21 OPCO, LLC., *et al.*,

Debtors<sup>1</sup>.

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)  
) Chapter 11

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) Case No. 25-10469 (MFW)

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) (Jointly Administered)

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) Re: D.I. 553, \_\_\_\_\_

**PROPOSED ORDER GRANTING MOTION OF LANETTE SULLIVAN FOR ORDER  
GRANTING RELIEF FROM THE AUTOMATIC STAY AND/OR PLAN INJUNCTIONS**

Upon consideration of the *Motion of Lanette Sullivan for Order Granting Relief from the Automatic Stay and/or Plan Injunctions* (the “Motion”), it is hereby ORDERED that:

1. The Motion is GRANTED as set forth herein.
2. The Movant<sup>2</sup> is granted relief from the automatic stay pursuant to section 362 of the Bankruptcy Code and relief from the Plan Injunction for the sole and exclusive purpose of allowing the Movant to liquidate the Movant’s claims (collectively, the “Asserted Claim”) outside the Bankruptcy Court, including through prosecution of litigation in state court (the “State Court Action”) against the Debtors nominally, or against any other non-Debtor individuals or entities, including in any subsequent appeals, and to enforce judgment, including any alternative dispute resolution award or settlement, obtained on account of the Asserted Claim in the State Court Action (a “Judgment”) solely against any available proceeds under the Debtors’ applicable insurance policies, if any (such policies, as applicable, the “Insurance Policies”).
3. Nothing in this Order is intended or shall be deemed to: (i) impair, modify, limit or expand the rights and duties of the Movant or the Debtors, if any, under the Insurance Policies; (ii)

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<sup>2</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

alter, amend or otherwise modify the terms and conditions of the Insurance Policies or any related agreements; (iii) create or permit a direct right of action by the Movant against any of the Debtors' insurers under the Insurance Policies; (iv) preclude or limit, in any way, the rights of any insurer to contest and/or litigate the existence, primacy and/or scope of available coverage under the Insurance Policies or to otherwise assert any defenses to coverage; (v) constitute a determination or admission that coverage exists with respect to the Asserted Claim or the State Court Action; (vi) be a stipulation, agreement, warranty, or admission by the Debtors or their estates that (a) the Debtors or their estates are liable to the Movant for any amount or (b) the Asserted Claim and any related damages asserted by the Movant are covered, in whole or in part, under any of the Insurance Policies; or (vii) create a duty or obligation on the part of the Debtors and their estates, and any agents, attorneys, employees or other representatives thereof, to defend against the Asserted Claim or the State Court Action or to incur any costs (including, without limitation, on account of any self-insured retentions under the Insurance Policies) in connection therewith.

4. Except as explicitly provided for in this Order, the provisions of section 362 of the Bankruptcy Code, including, without limitation, the provisions thereof prohibiting execution, enforcement or collection of any Judgment, and the Plan Injunction, shall remain in full force and effect. Neither the Movant, nor any of the Movant's agents, attorneys, employees or other representatives or any person or entity claiming by or through the Movant, shall ever attempt to cause any action to be taken to collect any portion of any Judgment from (i) the assets or properties of the Debtors and their estates; or (ii) the plan administrator appointed pursuant to the Debtors' confirmed Plan and any successor thereto (the "Plan Administrator") or any funds administered by the Plan Administrator (the "Plan Administrator Funds"), other than from any available proceeds under the Insurance Policies. In consideration of the modification of the Plan Injunction

and the automatic stay pursuant to section 362 of the Bankruptcy Code except as otherwise expressly provided for in this Order, the Movant, on its own behalf and anyone by and through it, waives with prejudice and releases, and is permanently enjoined from seeking: (i) payment of any Judgment, award, settlement, claim, distribution or any other rights to recover from the assets or property of the Debtors, their estates, the Plan Administrator, or the Plan Administrator Funds, other than from any available proceeds under the Insurance Policies; and (ii) any right (if any) to receive any distributions under the Plan. Any proofs of claim filed by the Movant in the Debtors' chapter 11 cases, including (but not limited to) proof of claim number 519 filed on behalf of Lanette Sullivan, shall be deemed withdrawn and expunged with prejudice without the need for any further action on the part of the Debtors and their estates, the Plan Administrator, the Movant, or this Court, and the claims agent in these chapter 11 cases is authorized to reflect such withdrawal in the claims register maintained in these proceedings. Movant shall take no action to enforce, collect, liquidate, or recover any Judgment received in connection with the State Court Action against the Plan Administrator, Plan Administrator Funds, the Debtors or the Debtors' estates. The withdrawal of all proofs of claim filed by the Movant in these proceedings as provided for herein shall not impair, prejudice, waive or otherwise affect the rights of the Movant as provided in this Order to prosecute the Asserted Claim in the State Court Action and to recover or receive payment on account of the Asserted Claim solely from the Debtors' Insurance Policies as provided for herein.

5. Movant may only continue the State Court Action nominally against the Debtors, and neither the Plan Administrator, the Debtors, nor any affiliate of any of the foregoing shall be obligated to: (i) pay any amounts owed or awarded in connection with the State Court Action or the Asserted Claim, including, but not limited to, any monetary damages, insurance deductible,

self-insured retention, or attorneys' fees and expenses; (ii) participate or otherwise expend any resources, financially or otherwise, in the State Court Action; (iii) comply with any insurance policy provisions regarding the State Court Action; or (iv) pay or otherwise satisfy (a) any self-insured retention or deductible liability; (b) any obligation to post any security or deposit with an insurer pursuant to the terms of any insurance policy; (c) any defense costs; (d) any Judgment; or (e) any other costs of any kind arising out of or related to the State Court Action, including, without limitation, costs associated with any discovery conducted in connection with the State Court Action.

6. The limited relief set forth herein shall not be construed as an admission of liability by the Plan Administrator, the Debtors, or the Debtors' estates, regarding any claim or cause of action arising from or in relation to the Asserted Claim or any other matter.

7. This Order shall become effective immediately upon entry by the Court and is not subject to the fourteen-day stay provided in Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.

8. This Court shall retain jurisdiction over any and all issues arising from or related to the implementation and interpretation of this Order.

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F21 OPCO, LLC, <i>et al.</i> ,	)	Case No. 25-10469 (MFW)
	)	
Debtors. <sup>1</sup>	)	(Jointly Administered)
	)	
	)	

**CERTIFICATE OF SERVICE**

I, James Tobia, hereby certify that on August 12, 2025, I caused the foregoing  
*Certification of Counsel of Proposed Order Granting Motion of Lanette Sullivan for Order  
Granting Relief from the Automatic Stay and/or Plan Injunctions* to be served by electronic  
transmission to all registered ECF users appearing in the case.

Dated: August 12, 2025

THE LAW OFFICE OF JAMES TOBIA, LLC

By: James Tobia

James Tobia, Esq. (#3798)

1716 Wawaset Street

Wilmington, DE 19806

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*Attorney for Movant Lanette Sullivan*

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