

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

F21 OPCO, LLC, *et al.*,

Debtors.

Chapter 11

Case Nos. 25-10469 (MFW), *et seq.*
(Jointly Administered)

Hearing Date: September 4, 2025, 11:00 a.m.
Objections Due By: August 28, 2025

**RANDI GLASHOFER'S MOTION FOR RELIEF FROM
THE AUTOMATIC STAY AND/OR PLAN INJUNCTIONS**

Randi Glashofer ("Movant"), by Movant's undersigned counsel, files this Motion for Relief from the Automatic Stay and/or Plan Injunctions (the "Motion"), and in support hereof states as follows:

BACKGROUND

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. § 1409(a). The statutory basis for the relief requested in this motion is 11 U.S.C. § 362.

2. On March 16, 2025 (the "Petition Date"), the Debtors filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code. Since the Petition Date, the Debtors have managed their affairs and remained in possession of their assets as debtors in possession pursuant to 11 U.S.C. §§ 1107 and 1108. These Chapter 11 cases have been consolidated for procedural purposes only and are being administered



jointly. No trustee, examiner, or official committee has been appointed in these Chapter 11 cases.

3. On or about November 2, 2022, while a patron at a Forever 21 Store located at and/or near the Oxford Valley Mall and/or 2300 E. Lincoln Highway, STE 270, Langhorne, PA 19047 operated by one or more of the Debtors, Movant slipped and/or twisted and/or fell, causing severe and permanent injuries and damages (the “Accident”). Movant asserts that the accident was caused by the negligence of the Debtors, among other things.

4. On October 18, 2024, Movant filed a complaint (the “Complaint”) in the Court of Common Pleas for Philadelphia County, Pennsylvania (the “State Court”) on account of the Accident against two of the Debtors and various other defendants, commencing the cases styled as *Randi Glashofer v. Forever 21, et al.*, Case Nos. 241002504 and 240801258, consolidated under C.C.P. No.: 241002504 (the “State Court Case”), sounding in careless, reckless and negligence. Before the State Court could adjudicate Movant’s claims and rights under the Complaint, the Debtors filed their Chapter 11 petitions in this Court, thus staying the State Court Case pursuant to 11 U.S.C. § 362(a).

ARGUMENT

5. Section 362(d) of the Bankruptcy Code states, in pertinent part, as follows:

On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay—

- (1) for cause, including the lack of adequate protection of an interest in property of such party in interest;
- (2) with respect to a stay of an act against property under subsection (a) of this section, if—
 - (A) the debtor does not have equity in such property; and
 - (B) such property is not necessary to an effective reorganization

6. Because the automatic stay is not meant to be indefinite or absolute, the Court has authority to grant relief from the stay in appropriate circumstances. *In re Rexene Prods., Co.*, 141 B.R. 574, 576 (Bankr. D. Del. 1992). Section 362(d)(1) provides that the automatic stay may be lifted where “cause” exists. After a *prima facie* showing by a Movant, the debtor has the burden of proving that a Movant is not entitled to relief from the stay. *Id.* at 577; 11 U.S.C. § 362(g).

7. “Cause” is not defined in the Bankruptcy Code and must be determined on a case-by-case basis. *IBM v. Fernstrom Storage & Van Co.*, 938 F.2d 731, 735 (7th Cir. 1991). Most courts employ an equitable balancing test to determine “cause.” *Rexene Prods., Co.*, 141 B.R. at 576. According to the *Rexene Prods.* case, this balancing test requires the Court to determine whether:

- a. any great prejudice to either the bankruptcy estate or the debtor will result,

- b. the hardship to the Movant by maintenance of the stay considerably outweighs the hardship to the debtor, and
- c. the Movant has a probability of prevailing on the merits.

Id. at 576.

8. Cause exists in this case to grant Movant relief from the automatic stay. First, there will be no prejudice to the Debtors or their bankruptcy estates. To the extent that Movant is seeking a recovery from third parties, such as applicable insurance, and are not attempting to execute directly on assets of the Debtors' estates, the Debtors' assets will remain available for whatever disposition may ultimately be sought by the Debtors and/or ordered by the Court.

9. Further, the hardship that will be suffered by Movant far outweighs any potential hardship to the Debtors if Movant is not granted relief from the automatic stay. Movant has suffered substantial injury and impairment as a result of the Debtors' prepetition conduct and negligence, as described above. Denying or delaying Movant access to available insurance proceeds and claims against other third parties would cause very severe hardship.

10. Regarding the third *Rexene* factor, Movant need only prove this prong with a showing that is "very slight." *Rexene Prods.*, 141 B.R. at 578. The facts described above establish sufficient probability to support a damages award in favor of Movant. In addition, this Court has broad jurisdiction to supervise the

administration of claims, but claims arising from personal injury are expressly excluded. 28 U.S.C. § 157(b)(5). Therefore, the usual purpose of providing a “central forum to adjudicate claims against the Debtors,” *see, e.g., 15375 Memorial Corp. v. Bepco, LP (In re 15375 Memorial Corp.)*, 589 F.3d 605, 622 (3rd Cir. 2009), does not apply to Movant’s claims.

11. When weighing the above factors, the Court should lift the automatic stay to permit Movant to commence and prosecute Movant’s claims against the Debtors and any other responsible individual or entity to judgment in a non-bankruptcy forum on account of the above-described accident and satisfy any award or other resolution Movant may obtain against the Debtors’ applicable insurance policies and any other individuals or entities that are responsible for the injuries sustained.

12. On June 24, 2025, the Court entered an order (Docket No. 493) (the “Confirmation Order”) confirming a plan (the “Plan”). The Plan provides that the automatic stay remains in effect after the Effective Date (Plan Art. VIII.H.) but also contains certain injunctive and similar provisions that simulate the effect of the automatic stay (Plan Art. VIII.E.) (the “Plan Injunctions”). *See also* Confirmation Order ¶¶ 76 & 87. Movant requests that this motion be treated as a motion for relief from such provisions, which Movant submits is governed by the same standard as relief from the automatic stay.

13. Service by mail upon the entire 2002 notice list in this case would be unduly burdensome and cost significant resources, as most parties on that list receive automatic notification of new docket entries contemporaneously with their filing. Therefore, Movant is causing copies of this Motion to be served by mail only upon counsel for the Plan Administrator and intends to rely on CM/ECF service for the remaining interested parties.

14. Movant believes that the relief granted in connection with this Motion will be consensual and will have no meaningful effect on the administration of these cases and the Debtors' assets. Therefore, Movant respectfully submits that any order granting this Motion should be effective immediately upon its entry, notwithstanding the fourteen (14) day stay contemplated in Fed.R.Bankr.P. 4001(a)(3).

WHEREFORE, Movant requests that this Court enter an order, substantially in the form appended hereto, lifting and modifying the stay set forth in 11 U.S.C. § 362(a) and the Plan Injunctions, as applicable; and grant Movant such further relief as

this Court deems just and proper.

Dated: August 15, 2025
Wilmington, Delaware

Respectfully submitted,

HILLER LAW, LLC

/s/ Adam Hiller

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Attorneys for Movant, Randi Glashofer

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Case Nos. 25-10469 (MFW), *et seq.*
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Hearing Date: September 4, 2025, 11:00 a.m.
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NOTICE OF MOTION

TO: Parties listed on the Certificate of Service

Randi Glashofer (“Movant”) has filed a Motion for Relief From The Automatic Stay and/or Plan Injunctions (the “Motion”), which seeks the following relief: Relief from the automatic stay and any applicable plan injunctions to prosecute litigation under applicable non-bankruptcy law against one or more of the above-captioned debtors for claims arising from a store accident, including but not limited to pursuing available insurance proceeds.

HEARING ON THE MOTION WILL BE HELD ON SEPTEMBER 4, 2025 AT 11:00 A.M. PREVAILING EASTERN TIME.

You are required to file a response, if any, on or before August 28, 2025 at 4:00 P.M. Prevailing Eastern Time. At the same time, you must also serve a copy of the response upon Movant’s attorneys:

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The hearing date specified above may be a preliminary hearing or may be consolidated with the final hearing, as determined by the Court.

The attorneys for the parties shall confer with respect to the issues raised by the motion in advance for the purpose of determining whether a consent judgment may be entered and/or for the purpose of stipulating to relevant facts such as value of the property, and the extent and validity of any security instrument.

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE RELIEF REQUESTED IN THE MOTION MAY BE GRANTED BY THE COURT WITHOUT FURTHER NOTICE OR HEARING.

Dated: August 15, 2025
Wilmington, Delaware

Respectfully submitted,

HILLER LAW, LLC

/s/ Adam Hiller

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(Jointly Administered)

Re: Docket No(s).

**ORDER GRANTING
RANDI GLASHOFER'S MOTION FOR
RELIEF FROM THE AUTOMATIC STAY AND PLAN INJUNCTIONS**

UPON CONSIDERATION of the Motion for Relief From The Automatic Stay and/or Plan Injunctions (the "Motion") filed by Randi Glashofer ("Movant"), and any response thereto; the Court having determined that (A) the Court has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 1334 and 157; (B) this is a core proceeding pursuant to 28 U.S.C. § 157; (C) venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and (D) service to the limited parties stated on the Certificate of Service is adequate under the circumstances; and the Court having further determined that cause exists to grant the relief requested in the Motion; it is hereby ORDERED as follows:

1. The Motion is GRANTED, as set forth herein. All capitalized terms not otherwise defined herein shall have the respective meanings set forth in the Motion.
2. The automatic stay set forth in 11 U.S.C. § 362(a) and any applicable injunctive and similar provisions in the Debtors' Amended Joint Plan Pursuant to

Chapter 11 of the Bankruptcy Code (Docket No. 426) and the Findings of Fact, Conclusions of Law, and Order Confirming the Debtors' Amended Joint Plan Pursuant to Chapter 11 of the Bankruptcy Code (Docket No. 493) (the "Confirmation Order"), including but not limited to Plan Art. VIII.E. and Confirmation Order ¶¶ 76 & 87 (collectively, the "Plan Injunctions") are hereby lifted and modified to permit Movant to commence and prosecute, in a non-bankruptcy court of competent jurisdiction—including but not limited to the Court of Common Pleas for Philadelphia County, Pennsylvania (the "State Court") in the cases styled as *Randi Glashofer v. Forever 21, et al.*, Case Nos. 241002504 and 240801258, consolidated under C.C.P. No.: 241002504 (the "State Court Case")—to hear and adjudicate any claims and causes of action arising from a certain accident occurring on or about November 2, 2022 at and/or near the Oxford Valley Mall and/or 2300 E. Lincoln Highway, STE 270, Langhorne, PA 19047 (the "Accident"); provided that Movant shall enforce such claims only against third-party non-debtors, including but not limited to the Debtors' applicable insurance carriers and third parties and their insurance carriers. Without limiting the foregoing, any insurance carrier is authorized to pay any judgment, award or settlement from the Debtors' applicable insurance policies and any proceeds thereof. Except as otherwise set forth herein, the automatic stay pursuant to § 362 of the Bankruptcy Code shall otherwise remain in full effect.

3. Nothing in this order shall limit or affect Movant's rights under any proofs of claim, including but not limited to the proof of claim docketed as Claim No. 620 by the Court's claims agent, and to receive any distribution available to similarly situated creditors in these bankruptcy cases.

4. Movant represents and warrants that Movant has not sold, assigned, pledged, or otherwise transferred any claims that they might have against the Debtors and their estates.

5. No stay of this Order shall be in effect, including but not limited to any stay contemplated under Fed.R.Bankr.P. 4001(a)(3).

6. The Court retains jurisdiction to interpret and enforce the terms of this order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 15, 2025, I caused copies of the foregoing Motion for Relief from the Automatic Stay and/or Plan Injunctions to be served via electronic mail upon the parties listed below, and via CM/ECF electronic noticing on parties registered to receive electronic notices in this case:

Name	Email	Representing
Justin R. Alberto, Esquire	jalberto@coleschotz.com	Plan Administrator
Stacy L. Newman, Esquire	snewman@coleschotz.com	Plan Administrator
Elazar A. Kosman, Esquire	ekosman@coleschotz.com	Plan Administrator
Jason R. Adams	jcarr@kelleydrye.com	Plan Administrator
Andres Barajas	abarajas@kelleydrye.com	Plan Administrator
Charlie Fendrych	cfendrych@kelleydrye.com	Plan Administrator

Dated: August 15, 2025
Wilmington, Delaware

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