

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

IN RE: § CASE NO. 24-90391
ZACHRY HOLDINGS, INC., ET AL. § CHAPTER 11
DEBTORS § JUDGE: MARVIN ISGUR

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY
TO PURSUE INSURANCE PROCEEDS ONLY – NON-ESTATE ASSETS**

14-DAY NEGATIVE NOTICE – LBR 4001(a):

Your rights may be affected by the relief sought in this pleading. You should read this pleading carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you oppose the relief sought by this pleading, you must file a written objection, explaining the factual and/or legal basis for opposing the relief.

No hearing will be conducted on this Motion unless a written objection is filed with the Clerk of the United States Bankruptcy Court and served upon the party filing this pleading **WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE** shown in the certificate of service unless the Court shortens or extends the time for filing such objection. If no objection is timely served and filed, this pleading shall be deemed to be unopposed, and the Court may enter an order granting the relief sought. If an objection is filed and served in a timely manner, the Court will thereafter set a hearing with appropriate notice. If you fail to appear at the hearing, your objection may be stricken. The Court reserves the right to set a hearing on any matter.



TO THE HONORABLE MARVIN ISGUR:

Movant, VANESSA GOMEZ, personal injury claimant in state court litigation, and respectfully moves this Court pursuant to 11 U.S.C. § 362(d) for an order modifying the automatic stay to permit the continuation of Cause No. 2023-52849 in the District Court of Harris County, Texas' 157th Judicial District, but solely for the purpose of pursuing applicable insurance coverage. In support, Movants show:

BACKGROUND

On or about September 22, 2022, Movant Vanessa Gomez was seriously injured in a motor vehicle collision involving a tractor-trailer owned and operated by Gulf States Trucking, Inc. and Signature Trucking Inc., (“Defendants”).

Movant subsequently filed suit in Texas state court (Cause No. 2023-52849) asserting claims including, but not limited to, negligence against the Defendants. Movant seeks damages arising from bodily injuries including past and future medical expenses, pain and suffering, and other related damages.

Defendants answered and identified Debtor as a responsible third-party. Movant amended her petition adding Debtor as a Defendant on May 13, 2024.

On May 21, 2024, the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

BASIS FOR RELIEF

The Debtor was, upon information and belief, insured under a policy or policies of liability insurance covering the vehicle and driver involved in the subject collision.

Movant seeks only to liquidate her claims in the state court action and recover from applicable insurance proceeds, not from the Debtors' bankruptcy estate. Insurance proceeds are generally not property of the estate under 11 U.S.C. § 541.

Courts routinely grant relief from stay in personal injury cases where the debtor is shielded from personal liability and the plaintiff seeks to recover only from insurance. See *In re Fernstrom Storage & Van Co.*, 938 F.2d 731 (7th Cir. 1991); *In re Edgeworth*, 993 F.2d 51 (5th Cir. 1993).

REQUESTED RELIEF

Movant respectfully requests an order:

- a. Modifying the automatic stay to permit Movant to continue prosecuting Cause No. 2023-52849 through judgment and
- b. Permitting Movant to seek recovery only from applicable insurance proceeds, not the Debtor or its estate.

NOTICE

Notice of this Motion has been provided to the Debtor, Debtors' counsel, the U.S. Trustee, and the Chapter 11 Trustee.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Movant prays that the Court enter an order lifting the automatic stay for the limited purpose stated herein, and for such other and further relief to which Movant may be justly entitled.

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/s/ Hayden T. Green

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served upon all counsel of record via e-serve/e-file on this 25th day of February, 2026.

/s/ Hayden T. Green