

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

CASE NO. 2:06-bk-20586
Involuntary Chapter 11

In re:

UNION STAMPING AND ASSEMBLY, INC.,

Debtor.

**NOTICE OF MOTION OF JOHN SOLDANI TO LIFT AUTOMATIC STAY TO
THE EXTENT OF THE DEFENDANT'S APPLICABLE INSURANCE
COVERAGE IN THE CASE OF
JOHN SOLDANI, PLAINTIFF, V. *MAYFLOWER VEHICLE SYSTEMS, INC.*,
UNION STAMPING AND ASSEMBLY, INC., *ROADLEASE VEHICLE SYSTEMS,*
INC., *AND BILL LONG*, Civil Action No. 05-C-1318.,
IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

NOTICE IS HEREBY GIVEN of the attached MOTION OF JOHN SOLDANI TO LIFT AUTOMATIC STAY TO THE EXTENT OF THE DEFENDANT'S APPLICABLE INSURANCE COVERAGE IN THE CASE OF JOHN SOLDANI, PLAINTIFF, V. *MAYFLOWER VEHICLE SYSTEMS, INC.*, *UNION STAMPING AND ASSEMBLY, INC.*, *ROADLEASE VEHICLE SYSTEMS, INC.*, *AND BILL LONG*, Civil Action No. 05-C-1318. , IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA filed in the above-styled case.

Failure to respond in writing to the Court within fifteen (15) days from the date of this notice may result in the requested relief being granted by this Court without a hearing or further notice; and

All interested parties will be notified by the Clerk of the Bankruptcy Court if

a hearing is scheduled on this matter.

Dated this 18th day of October, 2006.

JOHN SOLDANI
By Counsel.

s/ Benjamin M. Conaway
BENJAMIN M. CONAWAY
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CASE OF JOHN SOLDANI, PLAINTIFF, V. MAYFLOWER VEHICLE
SYSTEMS, INC., UNION STAMPING AND ASSEMBLY, INC., ROADLEASE
VEHICLE SYSTEMS, INC., AND BILL LONG, CIVIL ACTION NO. 05-C-1318.,
IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

John Soldani appears by counsel Benjamin Conaway, and moves the Court, pursuant to Section 362(d) of the Bankruptcy Code and Rules 4001 and 9014 of the Bankruptcy Rules, to modify the automatic stay imposed by section 362(a) of said Code. John Soldani wishes to pursue his case against certain defendants to the limits of the defendant's applicable insurance policies. This defendant, UNION STAMPING AND ASSEMBLY, INC., is named in a suit filed in the Circuit Court of Kanawha County, West Virginia, captioned *JOHN SOLDANI, Plaintiff, v. MAYFLOWER VEHICLE SYSTEMS, INC., UNION STAMPING AND ASSEMBLY, INC., ROADLEASE VEHICLE SYSTEMS, INC., AND BILL LONG*, Civil Action No. 05-C-1318. A copy of the Complaint is attached to this Motion as Exhibit A. In support of his Motion, John Soldani represents as follows:

1. John Soldani is a resident of Kanawha County, West Virginia.
2. The Debtor UNION STAMPING AND ASSEMBLY, INC., was, at the time the

aforementioned complaint was filed, a corporation that operated in Kanawha County, West Virginia

3. An involuntary petition was filed against debtor under Chapter 11 of the Bankruptcy Code on September 20, 2006 in this Court.

4. The movants seek relief in an action in which the movants are attempting to recover funds as a result of the debtor UNION STAMPING AND ASSEMBLY, INC's., negligence in causing an injury to John Soldani in the scope of his employment.

5. In the above-captioned litigation, there may be insurance coverage that indemnifies the debtor against risk of this law suit. Therefore, John Soldani moves to lift the stay for purposes of determining that such coverage in fact exists, and, if the coverage does exist, to allow John Soldani to proceed to recover in such suit up to the limits of such insurance coverage, but to not otherwise proceed against the debtor in such suit.

WHEREFORE, John Soldani asks this Court, pursuant to Section 362(d) of the Bankruptcy Code, to lift the automatic stay imposed by Section 362(a) of said Code to allow them to pursue their claim against the above-named defendant UNION STAMPING AND ASSEMBLY, INC., to the limits of his applicable insurance coverage, and in accordance with applicable law. If the Court elects not to grant such relief, John Soldani prays, in the alternative that this Court require the debtor to protect their interests in accordance with Section 361 of the Bankruptcy Code.

John Soldani
By Counsel.

s/ Benjamin M. Conaway
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In re:

UNION STAMPING AND ASSEMBLY, INC.,

Debtor.

CERTIFICATE OF SERVICE

I, Benjamin Conaway, Counsel for John Soldani, do certify that I served true copies of the foregoing “NOTICE OF MOTION OF JOHN SOLDANI TO LIFT AUTOMATIC STAY TO THE EXTENT OF THE DEFENDANTS’ APPLICABLE INSURANCE COVERAGE IN THE CASE OF *JOHN SOLDANI, Plaintiff, v. MAYFLOWER VEHICLE SYSTEMS, INC., UNION STAMPING AND ASSEMBLY, INC., ROADLEASE VEHICLE SYSTEMS, INC., AND BILL LONG*, Civil Action No. 05-C-1318, IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA”, “MOTION OF JOHN SOLDANI TO LIFT AUTOMATIC STAY TO THE EXTENT OF THE DEFENDANTS’ APPLICABLE INSURANCE COVERAGE IN THE CASE OF *JOHN SOLDANI, Plaintiff, v. MAYFLOWER VEHICLE SYSTEMS, INC., UNION STAMPING AND ASSEMBLY, INC., ROADLEASE VEHICLE SYSTEMS, INC., AND BILL LONG*, Civil Action No. 05-C-1318, IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA”, and “PROPOSED ORDER GRANTING RELIEF FROM AUTOMATIC STAY IN THE IN THE CASE OF *JOHN SOLDANI, Plaintiff, v. MAYFLOWER VEHICLE SYSTEMS, INC., UNION STAMPING AND ASSEMBLY, INC., ROADLEASE VEHICLE SYSTEMS, INC., AND BILL LONG*, Civil Action No. 05-C-1318, IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA” upon the debtor’s counsel in the bankruptcy proceeding, defense counsel in Civil Action No. 05-C-1318, in the Circuit Court of KANAWHA County, West Virginia, by depositing the same in the United States mail, postage prepaid, this 18th day of October, 2006, addressed as follows:

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Counsel for Union Stamping & Assembly, Inc

s/ Benjamin M. Conaway
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