

Michael L. York, #015362
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Attorneys for Movant

UNITED STATES BANKRUPTCY COURT

DISTRICT OF DELAWARE

In Re	)	In Proceedings Under Chapter 11
SELECTBUILD CONSTRUCTION, INC.,	)	Case No 09-12074 (KJC)
Debtor.)	
_____)	
JOSH LAMBERT,	)	MOTION TO LIFT AUTOMATIC
Movant,	)	STAY OF PROCEEDINGS
vs.)	
SELECTBUILD CONSTRUCTION, INC.,)	
Respondent.)	
_____)	

Josh Lambert, through counsel, hereby moves the Court to enter an Order granting Relief from the Automatic Stay pursuant to Section 362(a) of the Bankruptcy Code for the purpose of enabling movant, Josh Lambert, to proceed with his claim against SelectBuild Construction, Inc. Specifically, Movant states as follows:

- 1) Debtor SelectBuild Construction, Inc. is a Delaware corporation doing business in the State of Arizona, County of Maricopa;
- 2) Josh Lambert brought a lawsuit against SelectBuild Construction, Inc., Shea Homes Limited Partnership and Haskins Electric, LLC; CV2009-093808 in Maricopa County Superior Court on December 17, 2009;
- 3) This Court has jurisdiction over this proceeding pursuant to 28 U.S.C.A. § 1334(b);

4) Josh Lambert's claim against SelectBuild Construction, Inc. arises out of a fall on August 28, 2008 in Maricopa County, Arizona, when the flooring in his home was not properly secured following work performed by SelectBuild Construction, Inc.;

5) Josh Lambert has alleged that SelectBuild Construction, Inc. negligently created, permitted or maintained a hazardous condition to exist on said premises, which condition caused personal injuries and damages. Specifically, SelectBuild Construction, Inc. worked on the flooring and failed to properly secure the same. SelectBuild Construction, Inc. knew or should have known that the flooring created a hazard, yet they failed to remedy the same or warn of the danger. SelectBuild Construction, Inc. was insured through a policy of insurance. The policy of insurance provided coverage on August 28, 2008, the date of the subject accident;

6) Josh Lambert agrees that he will not seek in any way, or attempt to collect, garnish, or to levy upon in any other manner the assets of the Debtor, other than the adequate insurance coverage issued to SelectBuild Construction. The Automatic Stay should therefore be Lifted because there is an adequate policy of insurance; and,

7) That Josh Lambert's claim may proceed in Maricopa Superior Court, Arizona.

RESPECTFULLY SUBMITTED this 29th day of January, 2010.

WATTEL & YORK

By /s/ Jacob R. Podolsky
Michael L. York
Jacob R. Podolsky
Attorneys for Movant

Original *Motion to Lift Automatic Stay*
was electronically filed this 29th day of
January, 2010, with:

David D. Bird, Clerk of U.S. Bankruptcy Court
District of Delaware
824 North Market Street, 3rd Floor
Wilmington, DE 19801

Copies of the foregoing Motion were sent
out for service this 29th day of January,
2010, to:

Sean Matthew Beach
YOUNG CONAWAY STARGATT & TAYLOR
The Brandywine Building, 17th Floor
1000 West Street
Wilmington, Delaware 19899
Attorneys for SelectBuild Construction, Inc.
Debtor/Respondent

Maureen E. Thomas, Esq.
BMHC LEGAL DEPARTMENT
720 Park Boulevard, Suite 200
Boise, Idaho 83712
Attorneys for Debtor

By /s/ Shirley Johnson
Shirley Johnson

Michael L. York, #015362
Jacob R. Podolsky, #024878
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2175 North Alma School Road, #B107
Chandler, Arizona 85224
(480) 222-2020
Attorneys for Movant

UNITED STATES BANKRUPTCY COURT

DISTRICT OF DELAWARE

In Re	)	In Proceedings Under Chapter 11
)	
SELECTBUILD CONSTRUCTION, INC.,	)	Case No 09-12074 (KJC)
)	
Debtor.)	
_____)	
JOSH LAMBERT,	)	NOTICE OF FILING MOTION
	)	FOR RELIEF OF AUTOMATIC
Movant,	)	STAY AND REQUIREMENT
	)	TO FILE OBJECTION
)	
)	
vs.)	
)	
SELECTBUILD CONSTRUCTION, INC.,)	
)	
Respondent.)	
_____)	

NOTICE IS HEREBY GIVEN of the filing of a Motion requesting relief from the automatic stay, the details of which are as follows:

- 1) Josh Lambert brought a lawsuit against SelectBuild Construction, Inc., Shea Homes Limited Partnership and Haskins Electric, LLC; CV2009-093808 in Maricopa County Superior Court on December 17, 2009.
- 2) Josh Lambert's claim against SelectBuild Construction, Inc. arises out of a fall on August 28, 2008 in Maricopa County, Arizona, when the flooring in his home was not properly secured following work performed by SelectBuild Construction, Inc.

3) At the time of the incident SelectBuild Construction, Inc. was insured through a policy of insurance. The policy of insurance provided coverage on August 28, 2008, the date of the subject accident.

HEARING on Objections to Motion for Relief of Automatic Stay will be held on February 22, 2010 at 1:00 p.m. E.S.T.

FURTHER NOTICE IS GIVEN that pursuant to Local Bankruptcy Rule 4001, if no written objection is filed with the court and a copy served on the movant, whose address is:

WATTEL & YORK
2175 N. Alma School, Suite B-107
Chandler, AZ 85224

WITHIN 7 DAYS of service of the hearing date, the motion for relief from the automatic stay may be granted without further hearing.

DATED: 1/29/10

/s/ Jacob R. Podolsky
Michael L. York
Jacob R. Podolsky
Attorneys for Movant

Original and one copy of *Notice of Filing Motion for Relief of Automatic Stay and Requirement to File Objection* was electronically filed this 29th day of January, 2010, with:

David D. Bird, Clerk of U.S. Bankruptcy Court
District of Delaware
824 North Market Street, 3rd Floor
Wilmington, DE 19801

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Copies of the foregoing Notice were sent out for service this 29th day of January, 2010, to:

Sean Matthew Beach
YOUNG CONAWAY STARGATT & TAYLOR
The Brandywine Building, 17th Floor
1000 West Street
Wilmington, Delaware 19899
Attorneys for SelectBuild Construction, Inc.
Debtor/Respondent

Maureen E. Thomas, Esq.
BMHC LEGAL DEPARTMENT
720 Park Boulevard, Suite 200
Boise, Idaho 83712
Attorneys for Debtor

By /s/ Shirley Johnson
Shirley Johnson

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Attorneys for Movant

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

In Re	)	In Proceedings Under Chapter 11
SELECTBUILD CONSTRUCTION, INC.,	)	Case No 09-12074 (KJC)
Debtor.)	
_____	)	ORDER
JOSH LAMBERT,)	
Movant,)	
vs.)	
SELECTBUILD CONSTRUCTION, INC.,)	
Respondent.)	
_____)	

UPON MOTION of JOSH LAMBERT, and no objections having been made,

IT IS HEREBY ORDERED that the Automatic Stay is Lifted in the matter of Lambert v. Shea Homes Limited Partnership, SelectBuild Construction, Inc. and Haskins Electric, LLC, CV2009-093808, and that proceedings may continue in the Maricopa County Superior Court, Arizona.

DATED this ____ day of _____, 2010.

The Honorable Kevin J. Carey
UNITED STATE BANKRUPTCY COURT

Original and one copy of **Order** was mailed
this ____ day of February, 2010, with:

United States Bankruptcy Court
District of Delaware
Honorable Kevin J. Carey, Chief Judge
824 North Market Street, 5th Floor
Wilmington, DE 19801

Copies of the foregoing Order were sent out
for service this 29th day of January, 2010, to:

Sean Matthew Beach
YOUNG CONAWAY STARGATT & TAYLOR
The Brandywine Building, 17th Floor
1000 West Street
Wilmington, Delaware 19899
Attorneys for SelectBuild Construction, Inc.
Debtor/Respondent

Maureen E. Thomas, Esq.
BMHC LEGAL DEPARTMENT
720 Park Boulevard, Suite 200
Boise, Idaho 83712
Attorneys for Debtor

By _____
Shirley Johnson