

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In re: Gander Mountain Company,  
Debtor(s).

Case No. 17-30673-MER  
Chapter 11

James A. Grant, Jr.  
and  
Nicole Chandler-Grant, Movants

v.

Gander Mountain Company,  
Debtor, Respondent

**NOTICE OF HEARING AND MOTION**

TO: The debtor(s) and other entities specified in Local Rule 9013-3.

1. James A. Grant, Jr. and Nicole Chandler-Grant, hereinafter "the Grants" move the court for the relief requested below and gives notice of hearing.
2. The court will hold a hearing on this motion at 2:30 pm on Thursday, July 20, 2017, at the United States Courthouse, at Courtroom 7 West 7<sup>th</sup> Floor, 300 South Fourth Street, Minneapolis, Minnesota 55415.
3. Any response to this motion must be filed and served not later than July 14, 2017, which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.
4. This court has jurisdiction over this motion pursuant to 28 USC ' ' 157 and 1334, FRBP 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this chapter 11 case was filed on June 20, 2017. The case is now pending in this court.
5. This motion arises under 11 USC §362 and FRBP 9014. This motion is filed under FRBP 9014 and Local Rules 9013-1 and 9013-2. Movant requests relief with respect to the automatic stay imposed as a result of the chapter 11 filing.
6. Pursuant to FRBP 9013, the Grant's set forth ground for the motion and relief as follows:
  - a. The Grants are joint plaintiffs in a civil lawsuit, pending in the Henrico County Circuit Court, Virginia, case number CL16-2687-00 to recover losses for injuries sustained as a result of negligence, false arrest, malicious prosecution, and intentional infliction of emotional distress on the part of the debtor, Gander Mountain Company, who was fully insured at the time of the occurrence on June 12, 2015.
  - b. The Grants seek relief from this Court so that they may proceed to a determination of liability against David Coleman, an employee of Gander Mountain Company and against

Gander Mountain Company who sits in a position of Respondeat Superior for the actions of its agents and employees.

- c. Gander Mountain Company was fully insured against the liability of its agents and assigns at the time of the claim subject to this stay and before the institution of this bankruptcy proceeding.

WHEREFORE, the Grant's respectfully pray for an Order granting relief from the Automatic Stay in order to allow them to proceed with their civil lawsuit to recover insurance proceeds covering the actions of Gander Mountain and its employees and such other relief as may be just and equitable.

Date: June 21, 2017

s/Christopher L. Anderson  
Christopher L. Anderson, VSB# 35173  
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ATTORNEY FOR JAMES A. GRANT &  
NICOLE CHANDLER-GRANT

Verification. I, Christopher L. Anderson, Attorney for the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

#### **CERTIFICATE OF SERVICE**

I hereby certify that on June 21, 2017, I electronically filed the foregoing NOTICE OF HEARING AND MOTION with the Clerk of the court using the ECF system which will send notification of such filing to all recipients registered to receive such notices.

s/Christopher L. Anderson  
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**ORDER GRANTING RELIEF FROM STAY**

This case is before the court on the motion of James A. Grant, Jr. and Nicole Chandler-Grant for relief from the automatic stay imposed by 11 U.S.C. § 362(a).

Based on the record, the court finds that grounds exist under 11 U.S.C. § 362(d) to warrant relief.

**IT IS ORDERED:**

1. The motion for relief from stay is granted as follows.
2. The automatic stay imposed by 11 U.S.C. § 362(a) is terminated such that the movant may exercise its rights and remedies under applicable nonbankruptcy law with respect to the following property or claim:

A Civil lawsuit in Henrico County Circuit Court, Richmond Virginia, case number CL16-2687-00 to recover losses for injuries sustained as a result of negligence, false arrest, malicious prosecution, and intentional infliction of emotional distress on the part of the debtor, Gander Mountain Company, who was fully insured against the actions of its employees at the time of the occurrence on June 12, 2015.

3. Notwithstanding Fed. R. Bankr. P. 4001(a)(3), this order is effective immediately.

Date: \_\_\_\_\_

\_\_\_\_\_  
United States Bankruptcy Judge