

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

In re OPEN ROAD FILMS, LLC, a Delaware limited liability company, <i>et al.</i> , ¹ Debtors.	Chapter 11 Case No.: 18-12012 (LSS) (Jointly Administered) Ref. Docket No. 187, 292
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**ORDER GRANTING RICHARD DUTCHER'S
MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

The Court having considered *Richard Dutcher's Motion for Relief from the Automatic Stay* [Docket No. 187] (the "Motion"), filed by Richard Dutcher ("Dutcher") in the above-captioned cases (the "Chapter 11 Cases"), any responsive pleadings filed in connection with the Motion, including the *Debtors' Limited Objection to Richard Dutcher's Motion for Relief from the Automatic Stay* [Docket No. 292] (the "Limited Objection"), the record in the above-captioned cases, and after due deliberation and sufficient cause appearing therefor;

IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The automatic stay shall be modified and lifted solely with respect to the claim of Dutcher identified in the Motion, and solely for the sole and exclusive purposes of (i) permitting the Utah Litigation² to continue to final judgment or settlement; and (ii) permitting Dutcher to recover and collect on account of such final judgment or settlement solely from any available

¹ The Debtors and the last four digits of their respective federal taxpayer identification numbers are as follows: Open Road Films, LLC (4435 Del.); Open Road Releasing, LLC (4736 Del.); OR Productions LLC (5873 Del.); Briarcliff LLC (7304 Del.); Open Road International LLC (4109 Del.); and Empire Productions LLC (9375 Del.). The Debtors' address is 2049 Century Park East, 4th Floor, Los Angeles, CA 90067.

² This term shall have the meaning ascribed to it in the Limited Objection.

insurance proceeds or coverage available from any insurer of the Debtors (the “Insurance Proceeds”).

2. Dutcher shall take no action to execute on, or otherwise attempt to collect, and hereby waives (i) all rights against and claims to, any property or assets of the Debtors or their estates and (ii) any and all rights to participate in a recovery from the assets of, or distributions from, the Debtors’ estates, except, in either instance, as against available Insurance Proceeds, if any. In no event will the Debtors or their estates be liable to Dutcher in any way whatsoever in connection with such claim.

3. Nothing herein is intended or shall be deemed to mean that: (i) the Debtors are liable to Dutcher for any amounts at all; or (ii) any causes of action, claims and damages alleged in the Utah Litigation are covered in whole, in part, or at all, under any of the Debtors’ insurance policies.

4. Nothing herein is intended or shall be deemed to create a duty or obligation on the part of the Debtors (i) to defend against any claims asserted in the Utah Litigation or to incur any costs in connection therewith; or (ii) to satisfy any amounts due and owing under any of the Debtors’ insurance policies, including any deductible, self-insured retention, or similar amount.

5. Dutcher shall indemnify and hold harmless the Debtors from and against any and all losses, liabilities and damages arising from claims by Axis Insurance for amounts alleged to be owed by the Debtor under the Self-Insured Retention; provided that the indemnification provided by this paragraph may not exceed \$50,000.

6. Parr Brown shall not be paid any fees, compensation, costs, or other amounts directly from the Debtors or their estates in connection with the Utah Litigation. Nothing herein shall prevent Parr Brown from seeking payment of its attorney’s fees and costs from Dutcher on

behalf of the Debtor and the other co-defendants in the Utah Litigation, as well as from Insurance Proceeds.

7. This Court shall retain jurisdiction and power to enforce and interpret the provisions of this Order.

Dated: November 13th, 2018
Wilmington, Delaware



LAURIE SELBER SILVERSTEIN
UNITED STATES BANKRUPTCY JUDGE