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UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X	
	: Chapter 11
In re	: :
	: Case No. 08-10152 (JMP)
Quebecor World (USA) Inc., et al.,	: :
	: Jointly Administered
Debtors.	: :
	: :
-----X	

**MOTION FOR RELIEF FROM AUTOMATIC STAY
 TO CONTINUE CERTAIN PRE-PETITION LITIGATION
PENDING AGAINST THE DEBTOR**

George Platia (“Platia” or “Movant”), by his attorneys, Putney, Twombly, Hall & Hirson LLP, hereby moves pursuant to Section 362(d)(1) of the Bankruptcy Code and Rules 4001 and 9014 of the Federal Rules of Bankruptcy Procedure for entry of an Order (i) granting Platia relief from the automatic stay to permit him to continue the prosecution of a lawsuit pending in the Superior Court for the State of Connecticut, Judicial District of New Haven, commenced by Movant on July 16, 2007 against two of the above-captioned debtors, Quebecor World Northeast Graphics and Quebecor World USA) Inc. (collectively, “Debtor Quebecor”) (the “Platia v. Quebecor, et al Lawsuit”); (ii) directing that relief from the automatic stay shall be effective immediately; and (iii) granting him such other relief as the Court may deem just and proper. In support of this motion, Movant respectfully states as follows:

BACKGROUND

1. On January 21, 2008 the above-captioned debtors filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Bankruptcy Code, 11 U.S.C. §101, et seq.

2. The Debtors continue to operate their business and manage their property as debtors-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

3. The Debtors' cases are being jointly administered pursuant to an Order of the Court.

4. The Movant, George Platia, was employed by Quebecor World Northeast Graphics, Inc. and/or Quebecor World (USA) Inc. for several years as an executive in which his final position was Vice President General Manager of Quebecor World Northeast Graphics, Inc. He was so employed until September 30, 2006 when he was terminated.

5. After his termination he was paid severance for a period of six months.

6. In addition Movant agreed to provide Debtor Quebecor certain consulting services in connection with the retention and renewal of a certain account of the Debtor. If the account was successfully retained he was entitled to the payment of fees for services rendered.

7. The Movant provided the consulting services to Debtor Quebecor, as agreed to, and was not paid by the Debtor.

8. Additionally, the Movant did not receive bonus payments for the years 2004 and 2005.

9. On or about July 16, 2007 the Movant initiated a lawsuit against Debtor Quebecor seeking the payment of his bonuses and consulting fees as aforesaid.

10. The action was brought against Quebecor World Northeast Graphics, Inc.

and Quebecor World (USA), Inc. and is pending in the Superior Court for the State of Connecticut, Judicial District of New Haven, specifically, George Platia v. Quebecor World, et al, bearing Docket Number NNH CV 07 4027087 S.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334 and the Standing Order of Referral of Cases to Bankruptcy Judges for the Southern District of New York, dated July 10, 1984 (Ward, acting C.J.). Consideration of this Application is a core proceeding pursuant to 28 U.S.C. § 157(b).

12. Venue of the Debtors' cases and this Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicate for the relief sought herein is Section 362(d)(1) of the Bankruptcy Code, as complemented by Bankruptcy Rule 4001.

RELIEF REQUESTED AND SUPPORT THEREFORE

13. Movant respectfully requests entry of an Order modifying the automatic stay in effect in the Debtors' cases pursuant to Section 362(d)(1) to permit him to continue the pursuit of the Platia v. Quebecor, et al Lawsuit.

14. Platia also requests this Court to direct that relief from the automatic stay be effective immediately upon entry of an Order granting this Motion and that the 10-day stay, provided under Rule 4001(a)(3) of Orders granting motion for relief from the automatic stay shall not apply.

15. Platia recognizes for purposes of this motion that his ultimate remedy is the recovery of money damages, including double damages and attorneys' fees, arising from

Debtor Quebecor's non-payment of wages pursuant to Conn. Gen. Stat. § 31-72. Thus, clearly Debtor Quebecor has an interest in the cash from which a judgment would be satisfied. *See In re Enron Corp.*, 300 B.R. 201, 212 (Bankr. S.D.N.Y. 2003) (debtors' interest in employment contract is subject to protection of automatic stay, enjoining nondebtor party from taking action to terminate contract).

16. However, pursuant to Section 362(d)(1) of the Bankruptcy Code, a bankruptcy court, after notice and a hearing, may terminate, annul, modify or condition the Section 362(a) automatic stay "for cause, including the lack of adequate protection of an interest in property" of the party seeking relief. 11 U.S.C. § 362(d)(1). Except for the "lack of adequate protection" circumstance provided in Section 362(d)(1), the term "cause" is not defined in the Bankruptcy Code. *In re Bogdanovich*, 292 F.3d 104, 110 (2d Cir. 2002). Whether cause exists for relief from the automatic stay must be determined on a case-by-case basis based on the totality of circumstances. *Id.*; *In re Enron Corp.*, 306 B.R. 465, 476 (Bankr. S.D.N.Y. 2004). Generally speaking, affirmative harm to the movant from the continuance of the automatic stay constitutes grounds for relief from the stay, *In re Boodrow*, 192 B.R. 57, 60 (Bankr. N.D.N.Y. 1995), *aff'd sub nom Capital Communications Federal Credit Union v. Boodrow*, 197 B.R. 409 (N.D.N.Y. 1996), *aff'd*, 126 F.3d 43 (2d Cir. 1997), *cert. denied*, 522 U.S. 1117 (1998), and the Court should assess the impact of the stay to all parties and balance the harms as among them. *Bogdanovich*, 292 F.3d at 110.

17. Platia is being harmed by the continuance of the automatic stay because he cannot reduce his claim to a specific monetary award absent pursuit of his lawsuit.

18. Granting the relief requested by Platia will not unduly prejudice the Debtors or their estates. Movant is not seeking to enforce a monetary judgment against the

Debtors or their estates. Rather he seeks to determine what the value of his claim may be and to establish what portion, if any, is entitled to priority treatment under 11 U.S.C. § 507.

19. Moreover, as this Court is aware, this Court recently issued an Order authorizing the payment of certain pre-petition wages in connection with existing and current employees (see Final Order authorizing the Debtors to continue to pay and honor certain Pre-petition claims for Wages, Salaries, Employee Benefits and other compensation, etc., dated March 20, 2008.)

20. Given the Court's Order, it would be inequitable to preclude the Movant from the ability to pursue his claim to conclusion.

21. Lastly, to the extent that Debtor Quebecor's conduct amounts to a violation of 11 U.S.C. § 523(a)(2)(A), it may be non-dischargeable.

WAIVER OF MEMORANDUM OF LAW

22. Because this motion does not present any novel issues of law, Platia respectfully requests that the Court waive and dispense with the requirement set forth in Local Bankruptcy Rule 9013-1(b) that a separate memorandum of law be filed in support of this Motion. Platia reserves the right, however, to submit a reply memorandum of law in the event objections to this Application are filed.

NOTICE

23. Platia is serving this Motion by ECF upon all parties that have filed papers in the Debtors' cases by ECF. Platia is also causing this Motion to be served by fax, overnight mail and/or hand delivery upon the Debtors, counsel for the Debtors, counsel for the Official

Committee of Unsecured Creditors, the Office of the United States Trustee and counsel for parties having requested notice in these cases.

24. No previous application for the requested relief has been made to this or any other Court.

WHEREFORE, Movant respectfully request entry of an Order (i) granting Platia relief from the automatic stay to permit him to continue the prosecution of the Platia v. Quebecor, et al Lawsuit to final judgment; (ii) directing that relief from the automatic stay shall be effective immediately; and (iii) granting him such other relief as the Court may deem just and proper.

Dated: New York, New York
July 31, 2008

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