

In re: FINE AIR SERVICES, CORP., et al., Debtor.

Case Nos. 00-18671-BKC-AJC through 00-18675-BKC-AJC

Personal injury creditor sought relief to proceed against the Debtors in state court solely to establish liability so that the Creditor could collect against any available insurance proceeds. The Debtors did not object to the relief sought, nor did the Liquidating Trustee, but the purchaser of Debtors' assets, pursuant to 11 U.S.C. 363, opposed the relief on various grounds. Upon consideration, the Court concluded the Creditor was entitled to the relief under 11 U.S.C. 524 and was not persuaded that the Debtors, the Liquidating Trust or the purchaser of the assets would be prejudiced by the granting of the relief sought. The Court did not believe that any prejudice, whether perceived or actual, outweighed the Creditor's right to the relief sought.