

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES SECURITIES §
AND EXCHANGE COMMISSION, §
Plaintiff, §

v. §
§

THE HEARTLAND GROUP VENTURES, LLC; §
HEARTLAND PRODUCTION AND RECOVERY LLC; §
HEARTLAND PRODUCTION AND RECOVERY §
FUND LLC; HEARTLAND PRODUCTION AND §
RECOVERY FUND II LLC; THE HEARTLAND §
GROUP FUND III, LLC; HEARTLAND DRILLING §
FUND I, LP; CARSON OIL FIELD DEVELOPMENT §
FUND II, LP; ALTERNATIVE OFFICE SOLUTIONS, §
LLC; ARCOIL CORP.; BARRON PETROLEUM §
LLC; JAMES IKEY; JOHN MURATORE; THOMAS §
BRAD PEARSEY; MANJIT SINGH (AKA ROGER) §
SAHOTA; and RUSTIN BRUNSON, §
Defendants, §

No. 4-21CV-1310-O

and §
§

DODSON PRAIRIE OIL & GAS LLC; PANTHER §
CITY ENERGY LLC; MURATORE FINANCIAL §
SERVICES, INC.; BRIDY IKEY; ENCYIPHER §
BASTION, LLC; IGROUP ENTERPRISES LLC; §
HARPRIT SAHOTA; MONROSE SAHOTA; §
SUNNY SAHOTA; BARRON ENERGY §
CORPORATION; DALLAS RESOURCES INC.; §
LEADING EDGE ENERGY, LLC; SAHOTA CAPITAL §
LLC; and 1178137 B.C. LTD., §

Relief Defendant §
§

MOTION TO LIFT STAY

TO THE HONORABLE UNITED STATES DISTRICT JUDGE REED O'CONNOR:

COMES NOW John Rogers, Movant in the above-captioned matter, and moves this Court for an Order Granting Relief From the Automatic Stay. In support thereof, Movant shows the Court as follows:

1. ARCOOIL CORP., and BARRON PETROLEUM, LLC, are Defendants in a case styled *John Rogers v. Arcooil Corp*; Cause No. 34143, in the 90th Judicial District Court of Young County, Texas. Movant is the Plaintiff in the aforementioned state court action for the personal injury damages he sustained on or about December 16, 2019, in Young County, Texas, while employed and working for ARCOOIL CORP., Movant fell off a wet and muddy catwalk that was owed and/or controlled by BARRON PETROLEUM, LLC. The catwalk area did not have slip pad and/or rig flooring safety matting and/or guardrails and/or any railing when Movant slip and fell sustaining injuries.

2. As a direct and proximate result of the negligence and gross negligence of ARCOOIL CORP and BARRON PETROLEUM, LLC, Movant, John Rogers, was severely injured, and Movant wishes to continue pursue the Texas State Court cause of action for his personal injury damages.

3. Discovery was ongoing on the state action when the Automatic Stay was ordered on December 2, 2021, by this honorable District Judge Reed O'Connor, suspending all the proceedings in State Court, and prohibiting further litigation on the state court case.

4. At the time of the incident in question, and at all times material, Movant believes that ARCOOIL CORP and BARRON PETROLEUM, LLC did not maintain a general liability insurance policy nor a Workers Compensation Policy, to insure him and cover for incidents such as the one described herein, which would provide coverage for liability, if any, in connection with

the damages sustained by Movant. Movant seeks to modify the automatic stay for the limited purpose of continuing suit against ARCOOIL CORP and BARRON PETROLEUM, LLC to adjudicate their liability in connection with the injuries and damages sustained by Movant.

5. Movant, as a condition of the requested modification, agrees to limit the extent of Movant's recovery efforts against ARCOOIL CORP and BARRON PETROLEUM, LLC to the funds available under any and all insurance policies which might exist, if any, and which might provide coverage for their adjudicated liability, if any. If no insurance policy exists, Movant seeks the right to liquidate damages and secure his right and interest as creditor against ARCOOIL CORP and BARRON PETROLEUM, LLC.

6. By this Motion, Movant seeks authority from this Court, to the extent it may be necessary, to proceed with the state court litigation to judgment to liquidate Movant's claim against the Debtors ARCOOIL CORP and BARRON PETROLEUM, LLC. Movant also seeks authority, to the extent it may be necessary, to execute, levy, and collect upon such judgment as may be obtained by Movant in the state court action from ARCOOIL CORP and BARRON PETROLEUM, LLC insurance carrier or carriers, if any, or to secure his interest as creditor under this complaint.

7. Movant alleges that the Court should lift the automatic stay to permit the initiation and continuation of the State Court suit since no great prejudice to either the Debtors or the receiver would result from the continuation of the civil action. Additionally, the hardship to Movant caused by the continuation of the stay considerably outweighs the hardship caused to the Debtors by modification of the stay.

8. Movant alleges that the imposition of the automatic stay denies him the opportunity to litigate since further time and delay will result on the aging of evidence and loss of witnesses.

9. Movant further alleges that cause exists to lift the automatic stay in order to continue with State Court litigation since all issues are based entirely on state law and are not related to the claims and cause of action presented in this complain.

WHEREFORE, PREMISES CONSIDERED, Movant respectfully prays for an order modifying the Automatic Stay to permit Movant to continue state court litigation which is entitled *John Rogers v. Arcooil Corp.*, cause 34143, 90th Judicial District of Young County, Texas, and to execute, levy, and collect upon such judgment as be obtained by Movant in the State Court action to the extent of available policies of insurance might provide coverage in such matters or to secure his interest as creditor under this complaint, and for any and all other such relief to which the Court finds Movant justly entitled.

Respectfully submitted,

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ORDER

CAME ON TO BE considered Plaintiffs' Motion to Lift Stay, and the Court, having considered the same, is of the opinion that the Motion should be in all things GRANTED. It is, therefore,

ORDERED, ADJUDGED and DECREED that the Stay is lifted and Cause No. **34143** shall proceed.

SIGNED this the _____ day of _____, 2022.

JUDGE PRESIDING