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ISB # 3314

Attorneys for Richard V. Thomas, M.D.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO

RE: ) Chapter 7  
) Case No. 99-01804  
GREGERSON, GARY NED and )  
GREGERSON, LISA LYNN )  
Debtor. ) **MOTION FOR STAY RELIEF, NOTICE**  
) **and NOTICE OF HEARING**  
)

Richard V. Thomas, M.D. (hereinafter "CREDITOR"), a creditor and party in interest in the above entitled bankruptcy proceeding moves this Court for an order modifying the automatic stay imposed by 11 U.S.C. §362(a) upon the following grounds and reasons:

1. Debtors have filed their bankruptcy petition on July 15, 1999.
2. Prior to July 15, 1999 the Debtor Gary Gregerson was a defendant, among others, in litigation instituted by Richard V. Thomas as Plaintiff in the lawsuit entitled *Richard V. Thomas, M.D., v. Medical Center Physicians, P.A., et.al.* filed in the District Court for the Fourth Judicial District for the State of Idaho, in and for the County of Ada, Case No. CV OC 9802199D.
3. Debtor Gary Gregerson is familiar with facts and circumstances which have been alleged by CREDITOR in the State Court litigation. The CREDITOR'S

**MOTION FOR STAY RELIEF, Page 1**

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claims against the Defendants include allegations that he was wrongfully terminated in violation of public policy for repeatedly complaining about substandard care and false billing occurring at Medical Center Physicians, P.A. Claims also include breach of contract, breach of the covenant of good faith and fair dealing, misrepresentation, and wage claims.

4. These allegations are made primarily against Medical Center Physicians, P.A., however, CREDITOR also named other parties including Debtor, Gary Gregerson who was a shareholder, director and employee of Defendant Medical Center Physicians during the relevant period.

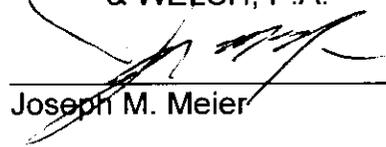
5. Trial is scheduled in this litigation for March 2000.

6. CREDITOR is seeking to modify the automatic stay imposed by the Debtor's Chapter 7 filing to allow CREDITOR to pursue its litigation as well as discovery including the deposition of Gary Gregerson without violation of the automatic stay.

7. CREDITOR requests the stay be modified to permit the litigation to continue, however, CREDITOR understands and agrees that the stay should not be modified to permit CREDITOR to obtain an enforceable judgment against Gary Gregerson as that is subject to the United States Bankruptcy Code as a result of Debtor's July 15, 1999 filing.

DATED this 10<sup>th</sup> day of August 1999.

COSHO, HUMPHREY, GREENER  
& WELSH, P.A.



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Joseph M. Meier

**NOTICE**

TO THE ABOVE NAMED DEBTORS, THEIR ATTORNEY OF RECORD, RANDAL J. FRENCH, THE CHAPTER 7 TRUSTEE, AND THE OFFICE OF THE U.S. TRUSTEE:

YOU ARE HEREBY NOTIFIED that pursuant to 11 U.S.C. 362 and Local Bankruptcy Rule 4001.2 any party in interest may oppose this Motion by filing and serving on the moving party a written objection thereto at least five (5) days prior to the preliminary hearing. The objection shall reasonably identify those matters contained in the Motion, which are to be at issue, and any other basis for opposition to the Motion. Absent the filing of a timely request, the Court may grant the relief sought without a hearing. The written objection need not be filed if the moving party sets the preliminary hearing for less than twenty (20) days after the filing of the Motion; however, the opposing party must be prepared to present the information required by Local Bankruptcy Rule 4001.2 at the preliminary hearing.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that the Debtor herein will bring on for hearing before the above entitled court the foregoing at the hour of **9:30 a.m. on the 18<sup>th</sup> day of August, 1999.**

Said hearing shall be conducted before the Honorable Jim D. Pappas at the United States Bankruptcy Court for the District of Idaho, located at 550 W. Fort Street, MSC 042, Boise, Idaho 83724.

DATED this 10<sup>th</sup> day of August 1999.

COSHO, HUMPHREY, GREENER  
& WELSH, P.A.



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Joseph M. Meier, Attorney for Creditor  
Richard V. Thomas