

ORIGINAL

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA

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In Re: CASE NO.: 01-25780-BKC-RBR

ACCUTEL COMMUNICATIONS, INC. CHAPTER 7

Debtor(s).

**CREDITOR, MCIWORLD.COM'S MOTION FOR LIMITED  
RELIEF FROM AUTOMATIC STAY**

Creditor, MCIWORLD.COM, a foreign corporation, as successor by merger of MCI Telecommunications Corporation, a foreign corporation, and WORLD.COM NETWORK SERVICES, INC., a Delaware corporation (collectively referred to herein as "MCIWORLD.COM"), by and through its undersigned counsel, moves this Court for limited relief from the automatic stay, and states:

1. Undersigned counsel is not admitted to practice before this Court. However, WORLD.COM NETWORK SERVICES, INC. has requested that the undersigned apply, on its behalf, for limited relief from the automatic stay in the above-referenced bankruptcy.

2. On May 8, 2001, a judgment was granted in favor of WORLD.COM NETWORK SERVICES, INC. against Debtor, ACCUTEL COMMUNICATIONS, INC. ("ACCUTEL"), in the amount of \$1,755,636.27. A copy of a Final Summary Judgment is attached as Exhibit "A."

3. Thereafter, proceeding supplementary were instituted against ACCUTEL's alter egos, officers, owners, directors, MR. AND MRS. ARNIE SOREIDE. A copy of the proceeding supplementary is attached as Exhibit "B."

4. In general, a state court action to pierce the corporate veil against the non-bankruptcy principals only, violates the automatic stay only in states where the alter egos

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belong to the bankrupt entity, and therefore are part of the estate and bankruptcy. S.I. Acquisition, Inc. v. Eastway Delivery Service, Inc., 817 F. 2d 1142 (5<sup>th</sup> Cir. 1987).

5. Under Florida Law, lacks standing to assert an alter ego claim because it belongs to the creditors. Mullin v. Dzikowski, 257 Bank. B.R. 356 (S.D. Fla. 2000).

6. MCIWORLD.COM wishes to proceed with Count II of the Supplemental Complaint seeking to pierce the corporate veil only.

7. MCIWORLD.COM requests leave to proceed with Count II of its Supplemental Complaint, and to docket an execution with the Sheriff in Dade County, and not levy thereon as a condition proceeding supplementary pursuant to Florida Statute § 56.29.

8. A copy of the proposed Order granting this Motion is attached as Exhibit "C."

WHEREFORE, MCIWORLD.COM respectfully requests that this Court grant limited relief from the automatic stay, and for such further and different relief that this Court deems just and proper under the circumstances.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 28<sup>th</sup> day of August, 2001 to all parties listed on the attached Service List.

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By: 

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## **SERVICE LIST**

United States Bankruptcy Court, Southern District of Florida

In Re: Accutel Communications, Inc.

Case No.: 01-25780-BKC-RBR Chapter 7

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA

In Re:

CASE NO.: 01-25780-BKC-RBR

ACCUTEL COMMUNICATIONS, INC.

CHAPTER 7

Debtor(s).

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**ORDER**

THIS CAUSE, having come before the Court upon Creditor, MCIWORLD.COM's Motion for Limited Relief from Automatic Stay, and upon review of same and having heard argument of counsel, and the Court being otherwise fully advised, it is hereby

ORDERED AND ADJUDGED that:

1. MCIWORLD.COM is GRANTED relief from the automatic stay, in that it may proceed with Count II of its Supplemental Complaint against ARNIE M. SOREIDE and LYNN M. SOREID; and

2. MCIWORLD.COM is GRANTED limited relief from the automatic stay in that it may have execution issued from the Clerk of the State Circuit Court of the 15<sup>th</sup> Judicial Circuit, in and for Palm Beach County, Florida, in Case No. 98-11573 AI docket; and the same goes with the Sheriff of Palm Beach County, but not levy thereon.

DONE AND ORDERED in Chambers at Bankruptcy Court in Miami, Dade County, Florida, on this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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BANKRUPTCY COURT JUDGE

Copies furnished to:  
All parties on the attached  
Service List