

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

TEAM EXPRESS DISTRIBUTING LLC,	§	No. 5:15–CV–994–DAE
	§	
	§	
Plaintiff,	§	
	§	
vs.	§	
	§	
JUNCTION SOLUTIONS, INC., and MICROSOFT CORPORATION,	§	
	§	
	§	
Defendants.	§	

ORDER STAYING COUNTERCLAIM AGAINST PLAINTIFF

Team Express Distributing, LLC (“Plaintiff”) is a limited liability retail company which has been selling sporting goods in San Antonio since 1990. (“Compl.,” Dkt. # 1, Ex. 1 ¶¶ 3, 11). Defendant Junction Solutions, Inc. (“Junction”) is an authorized value-added reseller, who sells software created by Defendant Microsoft Corporation (“Microsoft”). (Id. ¶ 4, 16.)

On October 2, 2015, Plaintiff filed suit against Defendants in the 438th Judicial District Court of Bexar County, raising various causes of action against Junction and Microsoft (Compl. ¶¶ 38–72), and seeking exemplary damages and attorney’s fees. (Id. ¶¶ 73–76, 78.) On November 12, 2015, Defendants removed the suit to this Court. (Dkt. # 1.) On November 19, 2015, Junction answered Plaintiff’s complaint, asserting a counterclaim for breach of

contract. (Dkt. # 2 ¶¶ 6–18.) On January 15, 2016, Plaintiff filed a Notice of Bankruptcy to inform this Court of its Chapter Eleven bankruptcy suit, filed on December 16, 2015 and currently pending before the United States Bankruptcy Court for the Western District of Texas. (Dkt. # 10.) On January 22, 2016, this Court issued an order staying Defendant’s counterclaim against Plaintiff pursuant to Section 362 of the United States Bankruptcy Code. (Dkt. # 12.) On February 9, 2016 the United States Bankruptcy Court for the Western District of Texas, in the proceeding captioned In re: Team Express Distributing, LLC, 15–53044–CAG, entered an order modifying the stay imposed pursuant to Section 362. (Dkt. # 20, Ex. A. ¶ 2.)

The Bankruptcy Court’s order grants Junction the right “to assert and liquidate any and all counterclaims and defenses it has against the Debtor [Plaintiff Team Express], including, but not limited to, rights of recoupment against any claim the Debtor may have against Junction, in the proceeding” currently before this Court. (Dkt. # 20, Ex. A. ¶ 2.) Pursuant to the Bankruptcy Court’s order, Junction filed a Motion for Relief from the Automatic Stay with this Court on February 16, 2016. (Dkt. # 20.)

Finding that the Bankruptcy Court has modified the automatic stay, this Court **GRANTS** Junction’s Motion for Relief. (Dkt. # 20.) Junction may assert and liquidate any and all counterclaims and defenses it has against Team

Express. However, all attempts to collect on any claims against Team Express, exclusive of recoupment, continue to be stayed, absent further order of the Bankruptcy Court.

**IT IS SO ORDERED.**

**DATED:** February 24, 2016, San Antonio, Texas.

A handwritten signature in black ink, appearing to read 'David Alan Ezra', is written over a horizontal line.

David Alan Ezra  
Senior United States District Judge