



ORDERED in the Southern District of Florida on June 19, 2009.

**Robert A. Mark, Judge
United States Bankruptcy Court**

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
(MIAMI DIVISION)
www.flsb.uscourts.gov

In re:

Case No. 09-19921 BKC-RAM
Chapter 11 Case

Psystar Corporation,

Debtor.

**ORDER GRANTING MOTION BY APPLE INC.
FOR RELIEF FROM STAY PURSUANT TO 11 U.S.C. § 362(d)**

THIS MATTER came before the Court on June 17, 2009, at 3:00 p.m. upon the Motion by Apple Inc. ("Apple") for Relief From Stay Pursuant to 11 U.S.C. §362(d) [D.E. 25](the "Motion) and the Debtor's Response to Apple's Motion to Terminate the Automatic Stay [D.E. 36] (the "Response"). The Court has considered the argument of counsel for (i) the Debtor, (ii) Apple, (iii) the Office of the United States Trustee, and (iv) Mr. Rodolfo Pedraza, the President of the Debtor who also alleges to be a creditor of the Debtor. The Court has also considered the proffers of evidence by the Debtor and Apple and has considered and taken judicial notice of the pleadings, orders and the docket sheet in the case of *Apple Inc. v. Psystar Corporation* (Case No. CV 08-03251 WHA (Alsup, J.) currently pending in the United States District Court for the

Northern District of California (the “Infringement Action”), which are annexed as exhibits to the declarations in support of the Motion and the Response.

For the reasons stated on the record at the hearing (which constitute this Court’s findings of fact and conclusions of law pursuant to Bankruptcy Rule 7052), the Court finds and rules that cause exists pursuant to 11 U.S.C. §362(d) for granting the relief sought by Apple in the Motion. Accordingly, the Court ORDERS AND ADJUDGES as follows:

1) The Motion is GRANTED.

2) The automatic stay imposed by 11 U.S.C. §362 (a) is lifted to allow the Infringement Action to proceed for all purposes through final judgment; provided that Apple must seek further relief from this Court before executing any money judgment obtained in the Infringement Action against the Debtor’s estate.

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Submitted by:
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Copies to:
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(Attorney Singerman shall serve a copy of this Order upon all interested parties upon receipt and file a certificate of service.)