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**COUNSEL FOR REGIONAL CONSTRUCTION
SERVICES, INC. AND SERGIO LUCIANI**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	
	§	CASE NO. 09-37010-SGJ-11
ERICKSON RETIREMENT	§	
COMMUNITIES, LLC, <i>et al.</i>	§	CHAPTER 11
	§	(Jointly Administered)
Debtors.	§	

**MOTION FOR EMERGENCY HEARING ON MOTION TO ALLOW
LATE FILED PROOF OF CLAIM OR, IN THE ALTERNATIVE,
TO ALLOW INFORMAL PROOF OF CLAIM**

TO THE HONORABLE STACEY G.C. JERNIGAN,
UNITED STATES BANKRUPTCY JUDGE:

Regional Construction Services, Inc. and Sergio Luciani, creditors in the above-referenced bankruptcy case (collectively, “Regional”), file this Motion for Emergency Hearing (the “Motion for Emergency Hearing”) on Regional’s Emergency Motion to Allow Late Filed Proof of Claim or, in the Alternative, to Allow Informal Proof of Claim (the “Motion to Allow Claim”) [Docket No. 1281]. In support of this Motion for Emergency Hearing, Regional respectfully represents as follows:

1. As described in the Motion to Allow Claim, Regional seeks allowance of its late-filed proof of claim in the Littleton Campus, LLC case or, in the alternative, allowance of its informal proof of claim against Littleton Campus, LLC.

2. An emergency hearing on the Motion to Allow Claim is required so that the Court may consider Regional's Motion to Allow Claim and make a final determination with respect to Regional's secured claim against Littleton Campus, LLC prior to the Distribution Record Date, as defined in Debtors' Fourth Amended Joint Plan of Reorganization under Chapter 11 of the Bankruptcy Code (as amended, the "Plan") [Docket Nos. 1006 & 1264, as modified by Docket No. 1285]. As proposed in the Plan, claims in the class that includes Regional's claim are to receive cash payments on the Distribution Record Date, which date occurs five business days prior to the clerk's entry of an order confirming Debtors' Plan. (See Plan ¶¶ 1.83, 1.155 & 14.13.3.) The question of the allowance of Regional's claim against Littleton Campus, LLC must therefore be resolved prior to the Distribution Record Date and as quickly as possible prior to confirmation of Debtors' Plan.¹

3. Debtors' Plan is currently set for confirmation hearing on Thursday, April 15, 2010 at 2:30 p.m. Regional requests that a hearing be set on its Motion to Allow Claim as soon as the Court has available time up to or before the confirmation hearing, so that this Court may determine the allowance of Regional's claim against Littleton Campus, LLC prior to the confirmation of Debtors' Plan.

¹ Debtors, in any event, must address Regional's lien during or prior to confirmation of the Plan and cannot lien strip. See *Dewsnup v. Timm*, 502 U.S. 410, 112 S. Ct. 773 (1992). Regional is filing the Motion to Allow Claim and this Motion out of an abundance of caution. Regional does not waive any rights, claims, or interests it holds by the filing of the Motion to Allow Claim or this Motion.

4. Notice of the proposed emergency hearing will be provided to the Debtors, the Official Committee of Unsecured Creditors, the United States Trustee, and all parties requesting notice.

WHEREFORE, Regional respectfully requests entry of an order setting an emergency hearing on the Motion to Allow Claim on or before the confirmation hearing on April 15, 2010 and granting Regional such other and further relief to which it may be justly entitled.

Dated: April 12, 2010.

Respectfully submitted,

/s/ Melanie P. Goolsby

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**COUNSEL FOR REGIONAL
CONSTRUCTION SERVICES, INC. AND
SERGIO LUCIANI**

CERTIFICATE OF CONFERENCE

On April 12, 2010, the undersigned counsel attempted to confer with Mr. Vincent P. Slusher, counsel for the Debtors, via telephone and email concerning the relief sought in this Motion. As of the filing of this Motion, Mr. Slusher has not indicated whether the Debtors are opposed to the emergency setting requested herein.

/s/ Melanie P. Goolsby

Melanie P. Goolsby

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on April 12, 2010, a true and correct copy of the above Motion was served via ECF and via first class mail to the parties listed on the attached service list.

/s/ Melanie P. Goolsby
Melanie P. Goolsby