

George McElreath
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Office of the U.S. Trustee
1100 Commerce Street
Room 976
Dallas, Texas 75242

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

ERICKSON RETIREMENT	§	
COMMUNITIES LLC, ET AL	§	09-37010-SGJ-11
	§	(Joint administration)
	§	

**STATEMENT OF THE UNITED STATES REGARDING
CONFIRMATION HEARING NOTICE**

TO THE HONORABLE STACEY G. JERNIGAN:

The time and date of the confirmation hearing in this matter was set on March 10, 2010. *Doc 1011-2, Exhibit B* conspicuously states as follow:

PLAN CONFIRMATION HEARING

“On **April 15, 2010 at 2:30 p.m. (prevailing Central Time)**, or as soon thereafter as counsel may be heard, a hearing (the “*Plan Confirmation Hearing*”) will be held before the Honorable Stacey G. C. Jernigan in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division, 1100 Commerce Street, 14th Floor, Room 1424, Courtroom #1 to consider confirmation of the Plan. The Plan Confirmation Hearing may be adjourned from time to time without further notice to creditors or other parties in interest, other than by an announcement of such an adjournment in open court at the Plan Confirmation Hearing or any adjournment thereof or an appropriate filing.”

1. The Certificate of Service filed by BMC indicates Notice of the hearing was accomplished on March 15, 2010. *Doc. 1028 Filed 03/17/10.*

2. On April 14, 2010, at approximately 4:24 p.m. the Assistant U.S. Trustee picked up the message from BMC Group that the confirmation hearing had been moved from 2:30 p.m. to 9:30 a.m.. The confirmation hearing was reset from 2:30 p.m. to 9:30 a.m. which was less than 24 hours before the hearing was to commence. Bankr. R. 2002(b) requires 28 days notice. This change in time was not an adjournment, but rather an entirely new setting time.

3. Considering the nature of this case, and the vast number of creditors appearing from other states, it is the opinion of the United States Trustee that moving the hearing to an earlier setting (versus calling and adjourning to a later time) is unfair.

4. Less than one day's notice on the hearing on confirmation is simply not adequate. The United States Trustee requests that the hearing remain at 2:30. In fact, changing the time possibly jeopardizes the confirmation order because of due process issues and the fact that there was no specific order changing the time.

Wherefore the United States Trustee respectfully requests that Court reconsider the timing of the confirmation hearing and maintain the 2:30 setting. The United States Trustee requests such further relief as the Court deems just.

Respectfully Submitted,
UNITED STATES TRUSTEE

/s/ Nancy Sue Resnick

Nancy S. Resnick

TX 00790135

Office of the United States Trustee

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Certificate of Service

I certify that I sent copies of the foregoing Statement on April 14, 2010 by ECF.