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**ATTORNEYS FOR BRAUN CONSTRUCTION GROUP, INC.**

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

**In re:**

**ERICKSON RETIREMENT  
COMMUNITIES, LLC, et al.<sup>1</sup>  
  
Debtors.**

**Case No. 09-37010 (SGJ)**

**Chapter 11  
Jointly Administered**

**RESPONSE TO DEBTORS' FIRST OMNIBUS OBJECTION TO CLAIMS -  
DUPLICATIVE CLAIMS BY BRAUN CONSTRUCTION GROUP, INC.  
REGARDING CLAIM NUMBERS 118 AND 120**

Braun Construction Group, Inc. ("Braun"), by and through their undersigned counsel, hereby files this response to Debtors' First Omnibus Objection to Claims - Duplicative Claims (the "Objection"), and respectfully represents as follows:

**BACKGROUND**

1. The Debtors voluntarily filed these cases under chapter 11 of title 11 of the United States Code on October 19, 2009 (the "Petition Date").

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<sup>1</sup> The Debtors in these Chapter 11 cases are Erickson Retirement Communities, LLC, Ashburn Campus, LLC, Columbus Campus, LLC, Concord Campus GP, LLC, Concord Campus, LP, Dallas Campus GP, LLC, Dallas Campus, LP, Erickson Construction, LLC, Erickson Group, LLC, Houston Campus, LP, Kansas Campus, LLC, Littleton Campus, LLC, Novi Campus, LLC, Senior Campus Services, LLC, Warminster Campus GP, LLC, Warminster Campus, LP.

2. On October 22, 2009, the Court entered the Order Establishing Bar Date (the "Bar Date Order"). Pursuant to the Bar Date Order, the general bar date to file a proof of claim against the Debtors was February 28, 2010.

3. On December 8, 2009, Braun filed a proof of claim against Debtor Erickson Retirement Community, LLC (Claim No. 118) as a secured claim in the amount of \$9,178,231.29.

4. On December 10, 2009, Braun filed a proof of claim against Debtor Columbus Campus, LLC (Claim No. 120) as a secured claim in the amount of \$9,178,231.29.

5. On March 26, 2010, the Debtors filed the Objection, stating that Claim Nos. 118 and 120 are duplicative and asking the Court to expunge Claim No. 120 and allow Claim No. 118 (the "Surviving Claim").

#### **RESPONSE TO THE OBJECTION**

6. Braun acknowledges that it is entitled to a distribution from the Debtors' collective estates on account of only one claim in the amount of \$9,178,231.29 against the Debtors, and is not seeking a distribution on account of the sum of Claim 118 and Claim 120. In an abundance of caution, however, and in order to ensure that its claim would not be disallowed for filing against the wrong debtor, Braun filed its claims against both Erickson Retirement Community, LLC and Columbus Campus, LLC.

7. Claim No. 120 is not duplicative of Claim No. 118, but should be considered as separate claims against debtors Columbus Campus, LLC and Erickson Retirement Communities, LLC, respectively. The chapter 11 estate of the foregoing Debtors are only jointly administered by this Court for procedural purposes and there has been no substantive consolidation of the respective estates.

8. The Objection allows the Debtors to "reserve the right to subsequently object to such Surviving Claims on any grounds." It is Braun's concern that the Debtors could in the future object to the Surviving Claim on the grounds that it was filed against the wrong debtor.

9. Braun respectfully submits that any order entered upon the Objection must expressly provide that Braun's rights are preserved to assert its claim against Columbus Campus, LLC if the Debtors object in the future to the Surviving Claim on the grounds that Erickson Retirement Community, LLC is the wrong debtor.

**WHEREFORE**, Braun requests that any Order the Court enters granting the Objection expressly provides that Braun's rights are preserved to assert its claim against Columbus Campus, LLC if the Debtors object in the future to the Surviving Claim on the grounds that Erickson Retirement Community, LLC is not the correct debtor on the account of the Surviving Claim.

Dated: April 21, 2010

Respectfully submitted,

**KANE RUSSELL COLEMAN & LOGAN PC**

By: /s/ Joseph A. Friedman

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INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of April, 2010, a true and correct copy of the foregoing document has been duly served on (i) all parties receiving electronic notice through the Bankruptcy Court's electronic notification system (ECF), and (ii) to all parties listed below by First Class United States Mail, postage pre-paid.

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