



**ENTERED**

TAWANA C. MARSHALL, CLERK  
THE DATE OF ENTRY IS  
ON THE COURT'S DOCKET

**The following constitutes the ruling of the court and has the force and effect therein described.**

  
United States Bankruptcy Judge

**Signed April 21, 2010**

BTXN057 (rev. 01/09)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

In Re:  
Erickson Retirement Communities, LLC

Debtor(s)

§  
§  
§  
§

Case No.: 09-37010-sgj11  
Chapter No.: 11

**ORDER DENYING MOTION FOR WANT OF PROSECUTION**

The Court, after review of the file and docket in the above entitled and numbered case, finds that on 2/25/2010, Creditor Randolph Emerson Craig filed a Motion to require debtor to create a separate class for creditors holding claims pursuant to severance contracts and/or order granting debtor's motion to pay severance and order of execution thereof ("Motion"), document number 937.

Subsequently,

- ☐ a Certificate of No Objection has not been filed with respect to the Motion as required by N.D. TX L.B.R. 9007.1(d).
- ☒ no hearing has been requested.
- ☐ Proposed Order has not been submitted.
- ☐ the Court held a hearing on Hearing Date, at which time counsel announced that an order disposing of the Motion would be submitted
- ☐ the matter was removed from the Court's docket on representation of counsel that an order disposing of the Motion would be submitted
- ☐ Other :

The Court further finds that insufficient action has been taken to obtain the relief sought. It is, therefore

**ORDERED** that the Motion is **DENIED** without prejudice to refileing.

### End of Order ###

# CERTIFICATE OF NOTICE

District/off: 0539-3  
Case: 09-37010

User: mmathews  
Form ID: pdf012

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Apr 22, 2010

The following entities were noticed by first class mail on Apr 24, 2010.  
cr +Randolph Emerson Craig, 860 Ontario St., Havre de Grace, MD 21078-2732

The following entities were noticed by electronic transmission.  
NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 24, 2010

Signature:

A handwritten signature in black ink, reading "Joseph Speetjens", written over a horizontal line.