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Attorneys for Official Joint Committee of Unsecured Creditors

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UNITED STATES BANKRUPTCY COURT

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CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION

11

In re

Case No. 8:08-bk-13150-RK

12

JAMES C. GIANULIAS,

Substantively Consolidated With:

13

Debtor.

Case No. 8:08-bk-13151-RK

14

Chapter 11

15

In re

**STIPULATION TO CONTINUE DATE
FOR THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS TO FILE
AVOIDANCE ACTION**

16

CAMEO HOMES, a California corporation,

17

Debtor.

[Order uploaded concurrently herewith]

18

[NO HEARING REQUIRED]

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TO THE HONORABLE ROBERT KWAN, UNITED STATES BANKRUPTCY JUDGE,

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THE OFFICE OF THE UNITED STATES TRUSTEE, AND INTERESTED PARTIES:

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This Stipulation is entered into by and between the Official Committee of

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Unsecured Creditors appointed in the above-captioned bankruptcy cases (the

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"Committee"), on the one hand, and Debtors James C. Gianulias and Cameo Homes,

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Inc. ("Debtors") and Gus Gianulias ("Gianulias"), on the other hand, with reference to the

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following facts:

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1. On June 6, 2008, certain creditors filed involuntary petitions against Debtors

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commencing the instant bankruptcy cases. On July 1, 2008, Debtors each filed a

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1 Consent to the Entry of an Order for Relief and Election to Convert Chapter 7 Case to a
2 Case Under Chapter 11 of the Bankruptcy Code. On July 2, 2008, the Court entered
3 Orders for Relief and converted both cases to ones under chapter 11.

4 2. Pursuant to 11 U.S.C. § 546, the last date to file an avoidance action is two
5 years after the entry of the Order for Relief.

6 3. Pursuant to Debtors' proposed Plan of Reorganization, the responsibility for
7 prosecuting avoidance actions will be assigned to the Creditors' Trust.

8 4. The Confirmation hearing is currently set for July 9, 2010 and the parties
9 anticipate that the Confirmation Order will be entered shortly thereafter.

10 5. In order to allow the Committee and, thereafter, the Creditors' Trust time to
11 review payments to Gianulias to determine if an avoidance action is necessary, the
12 Committee has requested and Debtors and Gianulias have agreed that the time to file
13 such action shall be extended for 90 days, to and including September 29, 2010.

14
15 **WHEREFORE, IT IS HEREBY STIPULATED AND AGREED** that the
16 deadline for the Committee and, thereafter, the Creditors' Trust to file an avoidance action
17 against Gus Gianulias is extended to September 29, 2010.

18
19 DATED: July 1, 2010

SulmeyerKupetz
A Professional Corporation

20
21 By: 

22 Elissa D. Miller
23 Attorneys for Official Committee of
24 Unsecured Creditors
25
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DATED: July 1, 2010

Irell & Manella LLP

By: Kerri A. Lyman
Alan Friedman
Kerri Lyman
Attorneys for Debtors James C. Gianulias
and Cameo Homes

DATED: July 1, 2010

By: _____
Gus Gianulias

1 DATED: July 1, 2010

Irell & Manella LLP

2
3 By:

4 Alan Friedman
5 Kerri Lyman
6 Attorneys for Debtors James C. Gianulias
7 and Cameo Homes

8 DATED: July 1, 2010

9
10 By:

11 
12 Gus Gianulias

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In re:

JAMES C. GIANULIAS, and CAMEO HOMES, a California corporation

Debtors.

CHAPTER: 11

CASE NO. 8:08-bk-13150-RK (Substantively Consolidated with Case No. 8:08-bk-13151-RK)

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
333 South Hope Street, Thirty-Fifth Floor, Los Angeles, California 90071-1406.

A true and correct copy of the foregoing document described as **STIPULATION TO CONTINUE DATE FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO FILE AVOIDANCE ACTION** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d), and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On July 1, 2010, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the e-mail address indicated below:

➤ John B. Acierno, Esq. — JPMorgan Chase Bank, N.A.	ecfcacb@piteduncan.com
➤ Jess R. Bressi, Esq. — Famille Holdings L.P.	jbressi@luce.com
➤ Jon M. Chatalian, Esq. — Pension Benefit Guaranty Corp.	efile@pbgc.gov
➤ Paul J. Couchot, Esq. — Debtor Cameo Homes	pcouchot@winthropcouchot.com
➤ Melissa Davis, Esq. — Pacific Mercantile Bank	mdavis@shbllp.com
➤ Susan S. Davis, Esq. — Laing/Sequoia Partners LLC	sdavis@coxcastle.com
➤ Daniel Denny, Esq. — Deutsche Bank Berkshire Mortgage, Inc.	ddenny@gibsondunn.com
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➤ Victor A. Sahn, Esq. — Joint Creditors' Committee	vsahn@sulmeyerlaw.com

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

In re: Main Document Page 6 of 6 JAMES C. GIANULIAS, and CAMEO HOMES, a California corporation Debtors.	CHAPTER: 11 CASE NO. 8:08-bk-13150-RK (Substantively Consolidated with Case No. 8:08-bk-13151-RK)
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- John D. Schlotter, Esq. — Wells Fargo Bank, N.A.
- Mark C. Schnitzer, Esq. — Interwest Mtg. Inv. Co.
- Leonard M. Shulman, Esq. — Pacific Mercantile Bank
- Timothy J. Silverman — Wells Fargo Bank, N.A.
- Derrick Talerico, Esq. — Housing Capital Company
- James E. Till, Esq. — Debtor Cameo Homes
- Matthew S. Walker, Esq. — Bank Of The West
- Joshua D. Wayser, Esq. — California National Bank
- Steven F. Werth, Esq. — Joint Creditors' Committee
- Deborah A. Winslow — Mercedes-Benz Credit Corporation
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☐ Service Information continued on attached page.

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On July 1, 2010, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follow. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

Attorneys for Debtors

Kerri A. Lyman, Esq.
 Irell & Manella LLP
 840 Newport Center Drive, Suite 400
 Newport Beach, CA 92660

☐ Service Information continued on attached page.

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P.5 and/or controlling LBR, on July 1, 2010, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery to the judge will be completed no later than 24 hours after the document is filed.*

The Honorable Robert Kwan
 U.S. Bankruptcy Court
 411 W. Fourth Street, Suite 5165
 Santa Ana, CA 92701-4593

☐ Service Information continued on attached page.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

<u>July 1, 2010</u>	<u>Denise Givens</u>	<u>/s/Denise Givens</u>
Date	Type Name	Signature