

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE: § **CHAPTER 11**
§
RAAM GLOBAL ENERGY § **CASE NO. 15-35615**
COMPANY, ET AL., § **(JOINTLY ADMINISTERED)**
§
DEBTORS. §

**EXPEDITED MOTION TO APPROVE APPOINTMENT OF
SUCCESSOR LIQUIDATING TRUSTEE OF THE RAAM GLOBAL
ENERGY COMPANY ET AL LIQUIDATING TRUST**

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.

Represented parties should act through their attorney.

Emergency relief has been requested. If the Court considers the motion on an emergency basis, then you will have less than 21 days to answer. If you object to the requested relief or if you believe that the emergency consideration is not warranted, you should file an immediate response.

TO THE HONORABLE MARVIN ISGUR, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Douglas J. Brickley, Trustee of the Liquidating Trust (the “Trustee”), and files Expedited Motion to Approve Appointment of Successor Liquidating Trustee of the RAAM Global Energy Company et al. Liquidating Trust (the “Liquidating Trust”),¹ and respectfully states as follows:

JURISDICTION

¹ Unless defined differently herein, capitalized terms shall have the same use and meaning as in the Confirmation Order and Plan.

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

2. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND AND REQUEST FOR RELIEF

3. On October 26, 2015 (the “Petition Date”), the Debtors each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of Texas, Houston Division (the “Bankruptcy Court”).

4. On January 19, 2016, the Court entered an order (the “Confirmation Order”) confirming the Debtors’ *Second Amended Joint Plan of Liquidation Pursuant to Chapter 11 of the Bankruptcy Code* [Dkt. No. 376] (as may be amended, supplemented, or otherwise modified from time to time, the “Plan”). The Effective Date of the Plan occurred on February 1, 2016 [Dkt. No. 410].

5. Pursuant to the Plan, a the RAAM Global Energy Company et al. Liquidating Trust was created (the “Liquidating Trust”). The Liquidating Trust is governed by the Plan, the Confirmation Order, and the Liquidating Trust Agreement. Pursuant to the Confirmation Order, Douglas J. Brickley was appointed as the initial trustee of the Liquidating Trust. *See* Confirmation Order at ¶ 10, page 24. Mr. Brickley has served as the Liquidating Trustee since February 1, 2016.

6. At the time of his appointment, Mr. Brickley was a managing director of The Claro Group and was regularly engaged in serving as in a fiduciary capacity for troubled companies in bankruptcy proceedings, turnarounds and workouts. Mr. Brickley has recently accepted a position with Jefferies LLC (“Jefferies”) and will serve as an investment banker in

their restructuring and recapitalization group in Houston, Texas. As Jefferies is a registered broker deal firm, it creates a regulatory and bureaucratic burden on Jefferies and Brickley for him to continue in professional fiduciary roles. Therefore, in connection with his new position, Brickley is resigning from all fiduciary capacities.

7. The Liquidating Trust Agreement contains the process and procedure for the resignation of the liquidating trustee and appointment of a successor liquidating trustee. In the event of a resignation, the Liquidating Trust Committee and the Litigation Committee shall designate a successor Liquidating Trustee, subject to the approval of the Bankruptcy Court, after notice and a hearing. According to the Confirmation Order, the Liquidating Trust Committee is comprised of Greg White, Jeff Fitts, and Monty Kehl. *See* Confirmation Order at ¶ 10, page 24. The Litigation Committee is comprised of Greg White and Jeff Fitts. *Id.*

8. Subject to approval of this Motion and upon the effective appointment of the Successor Liquidating Trustee, the Liquidating Trust Committee and the Litigation Committee have accepted Mr. Brickley's resignation. Subject to the approval of this Motion, the Liquidating Trust Committee and the Litigation Committee have designated Robert E. Ogle as the Successor Liquidating Trustee of the Liquidating Trust. Mr. Ogle is a Senior Advisor at The Claro Group and has over 35 years of experience working with troubled companies, insolvencies, turnarounds and workouts representing debtors, creditors, investors and governmental agencies. Mr. Ogle has extensive experience in the upstream and downstream oil and gas industries. Mr. Ogle has handled many chapter 11 trustee assignments and chief restructuring office roles. A copy of Mr. Ogle's current CV is attached hereto as Exhibit "A." Given Mr. Brickley's prior relationship with The Claro Group and Mr. Ogle's current relationship with The Claro Group, the transition between Mr. Brickley and Mr. Ogle should be

nearly seamless. That, along with Mr. Ogle's experience and qualifications, was the key determining factor in the deliberations of the Liquidating Trust Committee and the Litigation Committee in selecting Mr. Ogle as successor liquidating trustee.

9. According to the Liquidating Trust Agreement, upon approval by the Court, a successor liquidating trustee may assume such duties and obligations by filing an instrument accepting such appointment and agreeing to be bound by the terms of the Trust Agreement governing the Liquidating Trust. Attached hereto as Exhibit "B" is a statement signed by Mr. Ogle agreeing to be so bound if and upon the Court approving his appointment. Mr. Brickley's resignation will not be effective until: (i) entry of an Order approving Mr. Ogle's appointment as successor liquidating trustee; and (ii) the filing of Mr. Ogle's statement. Upon appointment, Mr. Ogle shall provide written notice of his appointment to the Liquidating Trust Beneficiaries as soon thereafter as is practicable. Mr. Brickley shall take any and all acts necessary under section 6.5 of the Trust Agreement, and shall otherwise assist and cooperate in effecting the assumption of his obligations and functions by Mr. Ogle.

WHEREFORE, PREMISES CONSIDERED, Douglas J. Brickley, as Trustee for the Liquidating Trust respectfully requests that the Court approve this Motion, appoint Robert E. Ogle as the Successor Liquidating Trustee of the RAAM Global Energy Company et al. Liquidating Trust, approve the resignation of Douglas J. Brickley, as Liquidating Trustee upon Mr. Ogle's appointment, and grant such other and further relief to which the Liquidating Trust may be justly entitled.

Dated: June 7, 2016

Respectfully Submitted,

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By: /s/ Kell C. Mercer
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ATTORNEY FOR DOUGLAS J. BRICKLEY,
TRUSTEE OF THE LIQUIDATING TRUST

CERTIFICATE OF SERVICE

This will certify that on June 7, 2016, a true and correct copy of the foregoing pleading was forwarded via this Courts CM/ECF notification system to the parties registered for such service. A supplemental certificate of service will be filed upon completion by the Trustee of service to all beneficiaries of the Liquidating Trust via first class United States Mail.

/s/ Kell C. Mercer
Kell C. Mercer