

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re: : Chapter 11
: :
RC SOONER HOLDINGS, LLC, *et al.*,¹ : Case No. 10-10528 (BLS)
: :
Debtors. : (Jointly Administered)
: :

: :
RC SOONER HOLDINGS, LLC, *et al.* :
and OLD SOUTH APARTMENTS, LLC, :
: :
Plaintiffs, :
: :
v. : Adv. Pro. No. 10-50723
: (BLS)
: :
REMYCO., INC.; *et al.*, :
: :
Defendants. :

DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT

Defendants, RemyCo., Inc.; The Remy Companies, Inc.; Home Realty Ventures, Inc.; Bradford Creek Properties, LLC; Landrun Design and Development Co., Inc.; Diamond Pointe, LLC; Bluechip Holdings, LP; Tim L. Remy; Tim J. Remy; Sherry E. Remy; L. Leon Remy; Robin E. Remy; Sherry E. Remy Revocable Trust DTD July 14, 1997; L. Leon Remy Revocable Trust DTD July 14, 1997 and Mona Remy Berke (the "Remy Entities") by and through their attorneys, Montgomery, McCracken, Walker &

¹ The Debtors are RC Sooner Holdings, LLC; RC Brixton Square Owner, LLC; RC Cedar Crest Owner, LLC; RC Fulton Plaza Owner, LLC; RC Magnolia Owner, LLC; RC Pomeroy Park Owner, LLC; RC Salida Owner, LLC; RC Savannah South Owner, LLC; RC Southern Hills Owner, LLC; Brixton Square Apartments, LLC; CC Apartments, LLC; Fulton Plaza Apartments, LLC; Magnolia Manor Apartments, LLC; Pomeroy Park Apartments, LLC; Salida Apartments, LLC; Savannah South Apartments, LLC; and Southern Hills Villa Apartments, LLC.

Rhoads, LLP, hereby move pursuant to Rules 8, 9(b), and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable by Rules 7008, 7009, and 7012 of the Federal Rules of Bankruptcy Procedure, for an Order dismissing Counts II, III, IV and V of Plaintiff's Amended Complaint. The grounds for this Motion are more fully set forth in the Plaintiffs' Amended Complaint and in the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss Plaintiff's Amended Complaint. for an order dismissing, with prejudice, the claims alleged against them in the Amended Complaint.

Respectfully submitted,

By: /s/ Natalie D. Ramsey
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(*pro hac* admission pending)
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