

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re: : Chapter 11  
: :  
RC SOONER HOLDINGS, LLC, *et al.*,<sup>1</sup> : Case No. 10-10528 (BLS)  
: :  
Debtors. : (Jointly Administered)  
: :  
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: :  
RC SOONER HOLDINGS, LLC, *et al.* and :  
OLD SOUTH APARTMENTS, LLC, :  
: :  
Plaintiffs, :  
: :  
v. : Adv. Pro. No. 10-50723 (BLS)  
: :  
REMYCO., INC.; *et al.* :  
: :  
Defendants. :

**SCHEDULING ORDER**

In order to promote the efficient and expeditious disposition of the above captioned adversary proceeding, the following schedule shall apply.

**IT IS HEREBY ORDERED:**

1. Any extension of time to file a responsive pleading is not effective unless approved by Order of the Court. Any motion for extension of time to file a responsive pleading or stipulated order for such an extension must be filed with the Court no later than ten (10) days before the Initial Scheduling Conference in the adversary proceeding.

<sup>1</sup> The Debtors and the last four digits of their taxpayer identification numbers are: RC Sooner Holdings, LLC (7904); RC Brixton Square Owner, LLC (8002); RC Cedar Crest Owner, LLC (7914); RC Fulton Plaza Owner, LLC (8011); RC Magnolia Owner, LLC (7998); RC Pomeroy Park Owner, LLC (7939); RC Salida Owner, LLC (7947); RC Savannah South Owner, LLC (7983); RC Southern Hills Owner, LLC (7958); Brixton Square Apartments, LLC (1844); CC Apartments, LLC (1798); Fulton Plaza Apartments, LLC (4344); Magnolia Manor Apartments, LLC (4486); Pomeroy Park Apartments, LLC (1649); Salida Apartments, LLC (1915); Savannah South Apartments, LLC (8586); and Southern Hills Villa Apartments, LLC (1721). The business address for each of the Debtors where notices should be sent is 1515 Broadway, 11th Floor, New York, New York 10036-8901.

2. The discovery planning conference described in Fed. R. Civ. P. 26(f), made applicable by Fed. R. Bankr. P. 7026, shall take place no later than thirty (30) days after the first answer or other responsive pleading is filed, or sixty (60) days after the adversary proceeding is commenced, whichever is earlier.

3. The parties shall provide the initial disclosures under Fed. R. Civ. P. 26(a)(1) no later than fourteen (14) days after the discovery planning conference. Any extension of the deadline to provide initial disclosures must be by Order of the Court and will only be granted for good cause shown. The parties have completed the discovery planning conference described in Fed. R. Civ. P. 26(f) and have agreed to waive the provision of initial disclosures.

4. All fact discovery shall be completed no later than 120 days after the answer or other responsive pleading is filed.

5. Any expert report required pursuant to Federal Rule of Civil Procedure 26(a)(2)(B) shall be served by the party which bears the burden of proof for that issue, not including any report by Plaintiffs on insolvency of the Debtor, no later than one hundred forty (140) days after an answer or other responsive pleading to the complaint is filed. If the Defendants intend to provide expert testimony regarding the insolvency of the Debtors, any such expert report must be provided no later than one hundred forty (140) days after an answer or other responsive pleading to the complaint is filed. Any expert report by Plaintiffs on the insolvency of the Debtors, as well as any Parties' expert report intended to rebut any other expert report, shall be provided no later than one hundred sixty (160) days after an answer or other responsive pleading to the complaint is filed. Defendants shall provide any expert report intended to rebut any report on insolvency by Plaintiffs no later than one hundred seventy (170) days after an answer or other responsive pleading to the complaint is filed. All reports shall

provide the information required by Fed. R. Civ. P. 26(a)(2)(B). All expert discovery shall be completed, and discovery shall close, no later than one hundred eighty (180) days after an answer or other responsive pleading to the complaint is filed.

6. Pursuant to the General Order Regarding Procedures in Adversary Proceedings entered by the Honorable Mary F. Walrath on April 7, 2004, no later than one hundred twenty (120) days after the answer or other responsive pleading to the complaint is filed, the parties shall file a Stipulation Regarding Appointment of a Mediator or a statement that the parties cannot agree on a mediator and a request that the Court select and appoint a mediator to the proceeding.

7. Within 60 days after the entry of an Order assigning the Adversary Proceeding to Mediation, the mediator shall either (a) file the mediator's certificate of completion, or, (b) if the mediation is not concluded, file a status report that provides the projected schedule for completion of the mediation.

8. All dispositive motions shall be filed and served no later than fifteen (15) days after the close of all discovery and shall be subject to Rule 7007-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware.

9. The parties shall file, no later than three (3) business days prior to the date set for Trial, their Joint Pretrial Memorandum approved by all counsel and shall contemporaneously deliver two (2) copies thereof to Judge Shannon's chambers.

10. The Order Assigning the Adversary Proceeding to Mediation shall set the adversary proceeding for trial ninety (90) days after the entry of the Order, or as soon thereafter as the Court's calendar permits.

11. The Plaintiffs shall immediately notify Chambers upon the settlement, dismissal or other resolution of any adversary proceeding subject to this Order and shall file with the Court appropriate evidence of such resolution as soon thereafter as is feasible. The Plaintiffs shall file a status report forty-five (45) days after the date of this scheduling order, each forty-five (45) days thereafter, and thirty (30), twenty (20), and ten (10) days prior to trial, setting out the status of each unresolved adversary proceeding subject to this Order. Plaintiffs shall immediately advise Chambers, in writing, of any occurrence or circumstance which Plaintiffs believe may suggest or necessitate the adjournment or other modification of the trial setting.

12. Deadlines contained in this Scheduling Order may be extended only by the Court and only upon written motion for good cause shown.

13. The Plaintiffs shall serve this Scheduling Order on each Defendant within five (5) business days after the entry of this Order.

Dated: \_\_\_\_\_, 2010  
Wilmington, Delaware

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THE HONORABLE BRENDAN L. SHANNON  
United States Bankruptcy Judge