

Bellew, Sean J. (Wilm)

From: Bellew, Sean J. (Wilm)
Sent: Tuesday, May 04, 2010 9:20 AM
To: Bellew, Sean J. (Wilm); 'Ramsey, Natalie'; 'dastin@ciardilaw.com'; 'Sheppard, Mark B.'; 'jmclaughlin@ciardilaw.com'; 'awlefco@mdwgc.com'; 'ghkaplan@mdwgc.com'; 'aemoore@mdwgc.com'
Cc: Daluz, Tobey Marie (Wilm); Chow, Christopher S. (Wilm); Summers, Matthew G. (Balt); Felice, David A. (Wilm)
Subject: RE: RC Sooner- Lift Stay Order and Cash Collateral Order
Importance: High

Counsel:

I have heard from counsel for Bank of the West and for William T. Strange. I have not heard from counsel for the Remys. The Remys are in default in the suit relating to the Bank of the West bank account.

We need to discuss a scheduling order. So, I will give counsel for the Remys until tomorrow to indicate their willingness to discuss and to communicate their availability. Otherwise, I will work out a schedule with participating counsel and submit it to the Court with an indication that the Remys failed to participate in discussions on scheduling. We will also move for a default judgment against the Remys in connection with the Bank of the West complaint.

Please let me hear from you.

Sean

Sean J. Bellew

Ballard Spahr LLP
919 North Market Street
12th Floor
Wilmington, DE 19801-3034
Direct 302.252.4438
Mobile 610.585.5900
Fax 302.355.0849
bellews@ballardspahr.com | www.ballardspahr.com

From: Bellew, Sean J. (Wilm)
Sent: Thursday, April 29, 2010 4:13 PM
To: Bellew, Sean J. (Wilm); Ramsey, Natalie; dastin@ciardilaw.com; Sheppard, Mark B.; jmclaughlin@ciardilaw.com; awlefco@mdwgc.com; ghkaplan@mdwgc.com; aemoore@mdwgc.com
Cc: Daluz, Tobey Marie (Wilm); Chow, Christopher S. (Wilm); Summers, Matthew G. (Balt); Felice, David A. (Wilm)
Subject: RE: RC Sooner- Lift Stay Order and Cash Collateral Order
Importance: High

Please let me hear from you.

5/24/2010

Sean J. Bellew

Ballard Spahr LLP
919 North Market Street
12th Floor
Wilmington, DE 19801-3034
Direct 302.252.4438
Mobile 610.585.5900
Fax 302.355.0849
bellews@ballardspahr.com | www.ballardspahr.com

From: Bellew, Sean J. (Wilm)
Sent: Wednesday, April 28, 2010 9:53 AM
To: 'Ramsey, Natalie'; dastin@ciardilaw.com; Sheppard, Mark B.; jmclaughlin@ciardilaw.com; 'awlefco@mdwgc.com'; 'ghkaplan@mdwgc.com'; 'aemoore@mdwgc.com'
Cc: Daluz, Tobey Marie (Wilm); Chow, Christopher S. (Wilm); Summers, Matthew G. (Balt); Felice, David A. (Wilm)
Subject: RE: RC Sooner- Lift Stay Order and Cash Collateral Order

Counsel -

We need to discuss a stipulated scheduling order consistent with Judge Shannon's instructions at the last hearing. Please let us know your availability for today, Thursday and Friday so we can coordinate a call.

In addition, it is our intention to notice the following depositions (by subpoena where necessary) for the first two weeks in June:

- (1) T.J. Remy
- (2) Remy corporate designee;
- (3) Fannie Mae corporate designee;
- (4) Lewis Carter;
- (5) Dallas Ferguson;
- (6) Howard Wolf;
- (7) William T. Strange;
- (8) Sperry Van Ness/William T. Strange & Associates, Inc. corporate designee;
- (9) Bank of the West corporate designee.

We look forward to your prompt response. Thank you.

Sean J. Bellew

Ballard Spahr LLP
919 North Market Street
12th Floor
Wilmington, DE 19801-3034
Direct 302.252.4438
Mobile 610.585.5900
Fax 302.355.0849
bellews@ballardspahr.com | www.ballardspahr.com

5/24/2010

Bellew, Sean J. (Wilm)

From: Bellew, Sean J. (Wilm)
Sent: Monday, May 17, 2010 4:32 PM
To: Bellew, Sean J. (Wilm); Felice, David A. (Wilm); 'Ramsey, Natalie'; 'Sheppard, Mark B.'; 'awlefco@mdwgc.com'; 'ghkaplan@mdwgc.com'; 'aemoore@mdwgc.com'
Cc: Daluz, Tobey Marie (Wilm); Chow, Christopher S. (Wilm); Summers, Matthew G. (Balt); 'dastin@ciardilaw.com'; 'jmcLaughlin@ciardilaw.com'
Subject: RE: RC Sooner - Proposed Scheduling Order
Importance: High
Attachments: RC Sooner - Transcript of 4.19.10 Hearing.pdf; RC Sooner v. RemyCo. ADV. Plaintiff_s proposed scheduling order DMEAST_12369540(1).DOC

Counsel -

It is now a full ten days from when we had our conference call to discuss the attached proposed scheduling order and we have yet to hear from you on your comments to our proposal.

I am attaching the transcript from the April 19, 2010 pre-trial conference. During that conference, the Court made it clear that discovery on the entirety of the complaint in the 50723 matter should proceed. The Court also asked us to coordinate on a scheduling order.

In this connection, we ask that you consider the following instructions given by the Court:

THE COURT

But frankly, I think proceeding with discovery under the 7000 series rules, understanding that a motion to dismiss has been filed, nevertheless is appropriate. And I understand and frankly respect counsel's observation that as a general proposition we proceed with dispositive motion practice and then turn to deal with whatever's left. But the fact of the matter is that I've had a chance to review the complaint. There is the breach of contract. I make no comment about the sufficiency of the motion to dismiss. I haven't seen that yet. I have a pretty good guess on what's in there. **But the fact of the matter is that I believe that this matter should proceed forward.**

* * *

But I believe that the discovery itself should go forward and should be tailored to the provisions of the complaint, not simply Count I, but to the various counts.

* * *

No, and I am entirely aware from the debtors of the urgency of the situation. But the fact of the matter is that this is a lawsuit, it's not motion practice. And it's going forward as a lawsuit. But I'll be candid. You know, as a general proposition, you know as well as I do, that they would have to wait sixty or ninety days before they could really get that process geared up, because of the dealing with the motion to dismiss, assuming that I turned it around in real time. **And what I'm doing is I'm acknowledging their need or their request for urgency by allowing them the process -- to begin the process of propounding discovery promptly.**

MR. SHEPPARD:

And what I want to advise debtors' counsel and the Court is that we're prepared to cooperate fully in that effort.

THE COURT:

5/24/2010

I appreciate it.

Our proposed scheduling order is consistent with the Court's instructions. We intend to submit it to the Court tomorrow with a cover letter indicating that counsel for the Remys and for the broker have failed to respond to our request for comments.

Sean

From: Bellew, Sean J. (Wilm)
Sent: Tuesday, May 11, 2010 6:06 PM
To: Bellew, Sean J. (Wilm); Felice, David A. (Wilm); 'Ramsey, Natalie'; 'Sheppard, Mark B.'; 'awiefco@mdwgc.com'; 'ghkaplan@mdwgc.com'; 'aemoore@mdwgc.com'; 'dastin@ciardilaw.com'; 'jmclaughlin@ciardilaw.com'
Cc: Daluz, Tobey Marie (Wilm); Chow, Christopher S. (Wilm); Summers, Matthew G. (Balt)
Subject: RE: RC Sooner - Proposed Scheduling Order
Importance: High

Please let me hear from you. Sean

From: Bellew, Sean J. (Wilm)
Sent: Monday, May 10, 2010 2:13 PM
To: Felice, David A. (Wilm); 'Ramsey, Natalie'; 'Sheppard, Mark B.'; 'awiefco@mdwgc.com'; 'ghkaplan@mdwgc.com'; 'aemoore@mdwgc.com'
Cc: Daluz, Tobey Marie (Wilm); Chow, Christopher S. (Wilm); Summers, Matthew G. (Balt)
Subject: RE: RC Sooner - Proposed Scheduling Order

Counsel -

Further to our discussion of Friday afternoon, you are going to get back to us with a marked-up copy of the scheduling order for our consideration. Please get that to us at your earliest convenience.

Sean

Sean J. Bellew
Ballard Spahr LLP
919 North Market Street
12th Floor
Wilmington, DE 19801-3034
Direct 302.252.4438
Mobile 610.585.5900
Fax 302.355.0849
bellews@ballardspahr.com | www.ballardspahr.com

From: Felice, David A. (Wilm)
Sent: Friday, May 07, 2010 3:01 PM
To: 'Ramsey, Natalie'; 'Sheppard, Mark B.'; 'awiefco@mdwgc.com'; 'ghkaplan@mdwgc.com';

5/24/2010

'aemoore@mdwccg.com'

Cc: Daluz, Tobey Marie (Wilm); Chow, Christopher S. (Wilm); Summers, Matthew G. (Balt); Bellew, Sean J. (Wilm)

Subject: RC Sooner - Proposed Scheduling Order

Counsel:

I am attaching a proposed Scheduling Order for this afternoon's discussion.

David

David A. Felice

Ballard Spahr LLP

919 North Market Street, Suite 1201

Wilmington, DE 19801-3034

Phone: 302.252.4439

Fax: 302.252.4466

feliced@ballardspahr.com | www.ballardspahr.com