

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

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

**ORDER GRANTING PLAINTIFFS’ MOTION TO COMPEL DISCOVERY RESPONSES  
AND FOR A FINDING OF CONTEMPT**

Upon consideration of the Debtors’ Response to Montgomery McCracken Walker & Rhoads LLP’s Motion for Leave to Withdraw as Counsel for the Remy Entities Pursuant to Del. Bankr. L.R. 9010-2(b), and the Plaintiffs’ Motion A) To Compel Discovery Responses; B) For a Finding of Contempt; and C) For Entry of a Scheduling Order (the “Motion”),<sup>2</sup> and any objections thereto, and any arguments of counsel; and it appearing that adequate notice of the Motion and

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<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.

<sup>2</sup> Capitalized terms not defined herein shall have the meaning given in the Motion.

opportunity for objection having been given; and it appearing that no other notice need be given; and after due deliberation and sufficient cause therefore, the Court finds good cause exists for entry of the following order:

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Defendants must have their new counsel enter its appearance no later than five (5) days from the entry of this Order.
3. The Defendants must formally respond to the Request for Production within five (5) days of the entry of appearance of its new counsel, but no later than ten (10) days from the entry of this Order.
4. The Defendants are in contempt of court for their failure to produce all Requested Documents by the Court-imposed deadline of May 19, 2010, their failure to cooperate in the submission of a proposed scheduling order, and their failure to formally respond to the Request for Production.
5. The Defendants are required to pay the Plaintiffs' attorneys' fees in connection with the preparation and adjudication of the Rule 2004 Motion and in bringing the instant Motion.
6. A default judgment shall be entered in Plaintiffs' favor and against the Defendants as to liability in the Adversary Proceeding if the Defendants fail to comply with paragraphs 2 and 3 above. In the event of entry of a default judgment against the Defendants, an evidentiary hearing will take place on June \_\_\_\_, 2010 for Plaintiffs to prove damages.

7. The Proposed Scheduling Order, attached as Exhibit E of the Motion, is a final order binding on the parties to the Adversary Proceeding.

8. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.

Dated: \_\_\_\_\_

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UNITED STATES BANKRUPTCY JUDGE