

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

IN RE:

RC SOONER HOLDINGS, LLC, *et al.*,

Debtors.

(Chapter 11)

Case No. 10-10528 (BLS)

(Jointly Administered)

RE: DI 44

Objection Deadline: March 15, 2010 at 4:00 p.m.

Hearing Date: March 18, 2010 at 10:30 a.m.

**MOTION TO CONTINUE OBJECTION DEADLINE AND HEARING
DATE ON DEBTOR'S 2004 MOTION**

The RemyCo Entities,¹ by and through their undersigned counsel, respectfully file this motion for a continuance of the objection deadline and hearing date on the Debtor's 2004 Motion filed in this case on March 8, 2010, at Docket No. 44 (the "Motion"). In support, the RemyCo Entities allege and state as follows:

1. The Motion seeks entry of an order requiring the RemyCo Entities to produce documents and a representative that can testify regarding the produced documents and their subject matter within one (1) week entry of an order granting the Motion.

2. The Debtors also commenced a separate adversary case against the RemyCo Entities on February 24, 2010 (the "Adversary"). *See* Case No. 10-50723 (BLS). The Debtors' pre-petition business relationship with the RemyCo Entities is the primary, if not sole, reason why the Debtors sought chapter 11 protection in this Court.

3. Undersigned counsel requests an additional two (2) weeks to file an appropriate response to the Motion. If granted, the objection deadline to the Motion would be continued

¹ The RemyCo Entities which are the subject of the Debtors' 2004 Motion are RemyCo., Inc., The Remy Companies, Inc., Home Realty Ventures, Inc., Bradford Creek Properties, LLC, Landrum Design and Development Co., Inc., Diamond Pointe, LLC, Bluechip Holdings, LLC, 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 Burke. The RemyCo Entities are located in the State of Oklahoma. Other than the filing of this bankruptcy case, the RemyCo Entities have no connection to the State of Delaware.

from March 15, 2010, at 4:00 p.m. until March 29, 2010, at 4:00 p.m. The hearing date would be continued from March 18, 2010, at 10:30 a.m. until April 1, 2010, at 4:00 p.m.

4. The undersigned was only engaged to represent the RemyCo Entities in this matter on March 12, 2010 – three (3) days before the deadline to respond to the Motion.² The Motion contains twenty-eight (28) document requests involving twenty-three (23) separate defined terms that are applicable to fifteen different (15) entities which together comprise the RemyCo Entities. The undersigned has not had the opportunity to review the Debtors' requests in any sufficient detail or to determine an appropriate response. The undersigned needs additional time to review the scope of the document requests, to counsel his clients regarding any appropriate objections that can and should be asserted to the requests, to prepare an objection and response to the Motion should that be necessary and to determine the existence of documents and persons whom could testify regarding the documents. The latter issue is significant, given that the RemyCo Entities are controlled by numerous persons and related entities, each of whom may or may not have knowledge about the existence of documents and activities of the other entities. A request for an extension is clearly reasonable and justified in these circumstances.³

² The RemyCo Entities had earlier engaged Oklahoma counsel to represent them in regard to the matters in the Motion. A copy of correspondence between the Debtors and the Oklahoma counsel was included as an exhibit in the Motion. Before the undersigned was hired, Oklahoma counsel had attempted in good faith to seek a continuance as requested herein, which the Debtors refused. Counsel for the Debtors was advised the same day the undersigned was hired that the undersigned had been engaged to represent the RemyCo Entities with respect to the matters in the Motion and that Oklahoma counsel was no longer serving as counsel to the RemyCo Entities in any matters relative to this bankruptcy case (including the Motion) or the Adversary.

³ Given the Adversary, it would seem that Part VII of the Federal Rules of Bankruptcy Procedure, as opposed to Rule 2004, would govern any requests for documents or a deposition at this point. Additionally, the RemyCo Entities are not creditors or parties in interest in the Debtors' bankruptcy case, are located in Oklahoma and had not entered an appearance in the case at the time the Motion was filed or been served with process in the Adversary at that time. Hence, even if Rule 2004 is applicable, the Debtors should have sought compliance with Rule 2004(c), which requires the issuance of a subpoena under Rule 9016 in these circumstances. The subpoena procedure provides recipients with safeguards designed to allow appropriate objections to be asserted and sufficient time to respond. Part VII of the Bankruptcy Rules provides similar protections. The procedures the Debtors have chosen here to utilize do not provide these protections. Rather, the Debtors seek potentially thousands of documents pursuant to numerous categories of requests subject to numerous defined terms in a period significantly less than what exists under Rules 9016 or 7034.

5. The purpose of the request is not for the purpose of any delay or harassment. The undersigned has been advised that counsel for the Debtors opposes this request for relief.

WHEREFORE PREMISES CONSIDERED, the RemyCo Entities requests that the Court grant them their request for relief herein as well as any other and further relief that is just and equitable.

March 15, 2009

Respectfully Submitted

/s/ Noel C. Burnham
Noel C. Burnham (DE 3483)

Burnham Law Associates, LLC
10 Berger Court
Middletown, DE 19709

(302) 449-5790 – Direct Dial
(302) 376-9436 – Fax

nburnham@burnhamlawassociates.com

Attorneys for THE REMYCO ENTITIES