

CLAIM FILED
JACKSONVILLE, FLORIDA

JUN 15 2010

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

CLERK, U. S. BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

In re:

TAYLOR BEAN & WHITAKER
MORTGAGE CORP., *et al.*,

Case No.: 3:09-bk-07047-JAF

Chapter 11

Debtor.

**CLASS PROOF OF CLAIM ON BEHALF OF FORMER
EMPLOYEES OF DEBTOR FOR WARN ACT DAMAGES**

This Class Proof of Claim is filed against the Debtor¹, pursuant to Rules 23(a), (b)(1)(B) and 23(b)(3) of the Federal Rules of Civil Procedure, Bankruptcy Rule 7023 and 29 U.S.C. § 2104(a)(5), by Nicholas A. Callahan, Julie Whiteaker, Eric E. Anderson, Chris Escandon, Charles Van Hartsell III, Debra Orlando, Dezi Teiann Jessop, William P. Hickey III, and Tanjanika Carter (the "Representative Claimants"), on behalf of themselves and the other similarly situated former employees of the Debtor (the "Class Claimants"), each of whom was employed by the Debtor and worked at one of the Debtor's facilities until their termination without cause on or about August 5, 2009 or within 30 days of that date, or as the reasonably expected consequence of the mass layoff or plant closing at the facilities, in violation of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101 *et seq.* (the "WARN Act"). The Representative Claimants estimate there are approximately 2,500 Class Claimants.

The Representative Claimants and the Class Claimants constitute a class within the meaning of Fed. R. Civ. P. 23(a),(b)(1)(B) and 23 (b)(3) and Bankruptcy Rule 7023.

The employment of the Representative Claimants and the Class Claimants was terminated by the Debtor on or about August 5, 2009, within 30 days of that date, and thereafter.

¹ "Debtor" is defined as Taylor, Bean & Whitaker Mortgage, Corp., d/b/a Maslow Insurance Agency, LLC, d/b/a Security One Valuation Services, LLC, d/b/a Platinum Community Bank and other related entities.

The identity of each of the other Class Claimants and the dates of their termination of employment by the Debtor is shown in the books and records of the Debtor.

The amount of the claim asserted on behalf of the Representative Claimants and each of the other Class Claimants is an amount equal to wages, salary, commissions and bonuses for 60 working days, and holiday pay, medical insurance, life insurance, 401(k) benefits, pension benefits, stock option plans, maternity leave, severance benefits and other ERISA benefits for 60 days following the terminations of the Representative Claimants and each of the other Class Claimants.

The amount of the WARN claim for the Representative Claimant Eric E. Anderson for 60 days wages is approximately \$14,169.86, plus approximately \$3,542.47 for 60 days of benefits, totaling approximately \$17,712.33.

The amount of the WARN claim for the Representative Claimant Nicholas Callahan for 60 days wages is approximately \$13,808.22, plus approximately \$3,452.05 for 60 days of benefits, totaling approximately \$17,260.27.

The amount of the WARN claim for the Representative Claimant Tanjanika Carter for 60 days wages is approximately \$5,917.81, plus approximately \$1,479.47 for 60 days of benefits, totaling approximately \$7,397.26.

The amount of the WARN claim for the Representative Claimant Chris Escandon for 60 days wages is approximately \$9,172.60, plus approximately \$2,293.15 for 60 days of benefits, totaling approximately \$11,465.75.

The amount of the WARN claim for the Representative Claimant William Hickey III for 60 days wages is approximately \$7,232.88, plus approximately \$1,808.22 for 60 days of benefits, totaling approximately \$9,041.10.

The amount of the WARN claim for the Representative Claimant Dezi Teiann Jessop for 60 days wages is approximately \$6,552.00, plus approximately \$1,638.00 for 60 days of benefits, totaling approximately \$8,190.00.

The amount of the WARN claim for the Representative Claimant Debra Orlando for 60 days wages is approximately \$11,835.62, plus approximately \$2,958.90 for 60 days of benefits, totaling approximately \$14,794.52.

The amount of the WARN claim for the Representative Claimant Charles Van Hartsell III for 60 days wages is approximately \$5,949.37, plus approximately \$1,487.34 for 60 days of benefits, totaling approximately \$7,436.71.

The amount of the WARN claim for the Representative Claimant Julie Whiteaker for 60 days wages is approximately \$6,000.00, plus approximately \$1,500.00 for 60 days of benefits, totaling approximately \$7,500.00.

The exact amount of the wage and benefit claims of each of the Class Claimants are unknown to the Representative Claimants but is reflected in the Debtors' books and records, from which the exact amount of each such claim hereunder and the total claim hereunder can be calculated by the Debtor. The Representative Claimants estimate that the total amount of the Class Claimants' claims is Twenty-Eight Million (\$28,000,000) Dollars.

By filing this class proof of claim, the Representative Claimants do not waive their rights to pursue the WARN claims on behalf of themselves and the putative class framed in *Callahan, et al. v. Taylor Bean & Whitaker Mortgage Corp.*, Adv. Pro. No. 3:09-ap-00439-JAF, filed August 24, 2009.

A majority of the WARN claim of the Representative Claimants and each of the other Class Claimants is entitled to administrative priority status pursuant to 11 U.S.C. §

503(b)(1)(A)(ii), or, in the alternative, a wage priority claim, pursuant to 11 U.S.C. § 507(a)(4), (5).

The Representative Claimants also seek on their own behalf, and on behalf of the Class Claimants, an allowed administrative priority claim under 11 U.S.C. § 503 for the reasonable attorneys' fees and the costs and disbursements incurred in prosecuting this action, as authorized by the WARN Act, 29 U.S.C. § 2104(a)(6).

Dated: June 14, 2010

Respectfully submitted,

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