

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA**

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

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, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

TAYLOR BEAN & WHITAKER  
MORTGAGE CORP.,

Defendant.<sup>1</sup>

Chapter 11  
Case No. 09-07047 JAF

Adv. Pro. No. 09-00439-JAF

**AMENDED PROPOSED SCHEDULING ORDER**

The above-captioned plaintiffs (the "Plaintiffs"), along with Taylor Bean & Whitaker Mortgage Corp. ("Defendant"), hereby submit this Amended Proposed Scheduling Order,<sup>2</sup> and, in support thereof, aver the following:

1. On August 24, 2009, Defendant filed a Voluntary Petition for Relief under Chapter 11 of the Bankruptcy Code.

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<sup>1</sup> "Defendant" is defined in Plaintiffs' Adversary Class Action Complaint, 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." Taylor Bean denies that Defendant is properly defined in Plaintiffs' Adversary Class Action Complaint.

<sup>2</sup> The parties submitted a proposed Scheduling Order on October 20, 2010, which has not been entered. Dkt. #83. Accordingly, the parties have conferred and agreed upon the dates in this Order.

2. On August 24, 2009, by Complaint, the Plaintiffs commenced an adversary proceeding against Defendant, which adversary proceeding is docketed as No.-09-00439 (JAF) (the "Adversary Proceeding").

3. The Complaint alleges that Defendant violated the federal Worker Adjustment and Retraining Notification ("WARN") Act, 28 U.S.C. Section 2101, et seq., and seeks relief on behalf of a putative class of present or former employees of Defendant.

4. On January 20, 2010, in lieu of answering Plaintiffs' Complaint, Defendant moved to dismiss based on jurisdictional grounds. The court denied Defendant's motion on September 27, 2010.

5. On March 25, 2010, the Plaintiffs filed a Motion for Class Certification and Related Relief. The motion was granted on September 27, 2010.

6. Defendant filed its Answer to Plaintiff's Complaint on October 20, 2010.

7. The parties have engaged in preliminary settlement discussions. The parties have agreed upon a mediation date of May 17-18, 2011. The purpose of the mediation of the claims and defenses is to fully explore the possibility of settlement before incurring substantial expense in litigating this matter.

**NOW, THEREFORE**, the parties hereby request the Court to approve the following Pretrial Schedule:

(A) Unless otherwise agreed by the parties and approved by the Court, fact discovery shall be completed on or before February 28, 2012.

- (i) The parties have agreed to abide by the limits on the number of interrogatories provided for in the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by the Federal Rules of Bankruptcy Procedure.
- (ii) There will be no limit on the number of requests to admit which may be propounded by any party; however, the parties reserve the right to file a Motion for Protective Order, if necessary.
- (iii) The parties must attempt, in good faith, to resolve all discovery disputes between the parties before bringing any motion before the Court, and any such motion must recite that good faith efforts to resolve the dispute were undertaken, but were unsuccessful.

(C) Plaintiffs' disclosure of expert witnesses, if any, shall be made 60 days before the close of the fact discovery period (December 28, 2011). Defendant's disclosure of expert witnesses, if any, shall be made 30 days before the close of the fact discovery period (January 28, 2012). Supplemental expert witnesses, if any, shall be disclosed, 15 days before the close of the fact discovery period (February 13, 2012).

Plaintiffs expert report shall be made on or before March 28, 2012. Defendants' expert report shall be made on or before April 28, 2012. Any rebuttal report shall be due no later than May 14, 2012. Expert depositions shall be completed no later than June 14, 2012.

(D) By May 31, 2011, the parties 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.

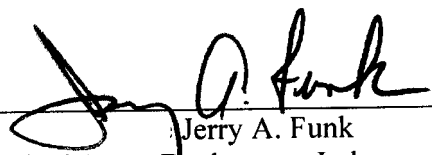
(E) Unless otherwise agreed to by the parties, all dispositive motions shall be filed on or before March 28, 2012.

(F) Trial shall be set in July 2012.

(G) The above dates may be modified by consent of the parties without need for further order of this Court.

(H) The Plaintiffs shall immediately notify Chambers upon the settlement, dismissal or other resolution of this Adversary Proceeding and Plaintiffs shall file with the Court appropriate evidence of such resolution as soon thereafter as is feasible. 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.

(I) The Bankruptcy Court shall conduct a status conference on August 30, 2011, at 10:00 A.m., or on such other date to be determined by the Bankruptcy Court, which status conference shall be for the purpose of (i) setting a date by which pre-trial disclosures under Bankruptcy Rule 7026(a)(3) shall be served, (ii) scheduling a pre-trial conference to schedule a date and time of trial, and (iii) addressing such other issues as the Bankruptcy Court or the parties deem necessary and appropriate.

  
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Jerry A. Funk  
United States Bankruptcy Judge

Dated: April 22, 2011 in Jacksonville, Florida