

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

In re:

TAYLOR, BEAN & WHITAKER MORTGAGE
CORP.,

Debtor.

CHAPTER 11

Case No. 03:09-bk-07047-JAF

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.,

Defendants.

Adv. Proc. No. 3:09-ap-00439-JAF

**DEBTOR/DEFENDANT’S FOURTH UNOPPOSED
MOTION FOR EXTENSION OF TIME TO SERVE
ANSWER OR OTHER RESPONSIVE PLEADING**

TAYLOR, BEAN & WHITAKER MORTGAGE CORP., the Debtor and Debtor in Possession in this Chapter 11 case and the named Defendant in this adversary proceeding (“**TBW**” or the “**Debtor/Defendant**”), requests an extension of time within which to serve an answer or other pleading in response to the *Adversary Class Action Complaint* (the “**Complaint**”) filed by the Plaintiffs, upon the following grounds:

1. The Plaintiffs filed the Complaint and obtained issuance of the Summons in an Adversary Proceeding in this proceeding on the same date that the Debtor/Defendant filed its Voluntary Petition for Relief.

2. On September 23, 2009, Debtor/Defendant filed its Unopposed Motion for Extension of Time to Serve Answer or Other Responsive Pleading [Docket No. 11] (the “**First Extension Motion**”). The First Extension Motion sought an extension of the answer date through October 7, 2009.

3. On October 2, 2009, Debtor/Defendant filed its Second Unopposed Motion for Extension of Time to Serve Answer or Other Responsive Pleading [Docket No. 12] (the “**Second Extension Motion**”). The Second Extension Motion sought an extension of the answer date through November 6, 2009.

4. On November 6, 2009, Debtor/Defendant filed its Third Unopposed Motion for Extension of Time to Serve Answer or Other Responsive Pleading [Docket No. 15] (the “**Third Extension Motion**”). The Third Extension Motion sought an extension of the answer date through December 7, 2009.

5. On November 16, 2009, the Court entered an Order Extending Time to Serve Answer or Other Responsive Pleading, granting the First, Second and Third Extension Motions [Docket No. 17].

6. Through this Motion, Debtor/Defendant seeks a further extension of the answer date for thirty (30) days through January 6, 2010.

7. Prior to filing this Motion, the Debtor/Defendant through its undersigned special counsel consulted with the Plaintiffs' New York counsel, who has no opposition to an extension of time and consented to the aforesaid additional thirty (30) day extension of time within which to file an answer or other responsive pleading.

8. Through counsel, the Debtor/Defendant has approached the Plaintiffs regarding the handling and disposition of this adversary proceeding in the wider context of this Chapter 11 case. Counsel anticipates that ensuing discussions will lead to an appropriate manner of handling this proceeding that will promote efficiency and minimize disruption on other matters in the Chapter 11 case, while at the same time ensuring the protection of the rights of the Plaintiffs, including similarly situated former employees of the Debtor/Defendant.

WHEREFORE, the Debtor/Defendant respectfully requests that the Court (A) grant this Motion; (B) extend through January 6, 2010 the time within which to serve an answer or other responsive pleading, without prejudice to the Debtor/Defendant's right to seek further extensions and without prejudice to the Debtor/Defendant's right as appropriate to seek abatement of this adversary proceeding; and (C) grant other and further relief as is just and proper.

/s/ Jeffrey W. Kelley
JEFFREY W. KELLEY (Ga Bar No. 412296)
jeffrey.kelley@troutmansanders.com
TROUTMAN SANDERS LLP
Bank of America Plaza
600 Peachtree Street, N.E., Suite 5200
Atlanta, Georgia 30308-2216
Telephone No.: (404) 885-3000
Facsimile No.: (404) 885-3900
SPECIAL COUNSEL FOR DEBTOR/DEFENDANT
TAYLOR, BEAN & WHITAKER MORTGAGE CORP.