

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
www.flmb.uscourts.gov

In re:

TAYLOR BEAN & WHITAKER
MORTGAGE CORP.,

Case No. 3:09-bk-07047-JAF
Chapter 11 Case

Debtor.

**OBJECTION TO CLAIMS REPRESENTED BY AND INCLUDED WITHIN CLASS
PROOF OF CLAIM FILED ON BEHALF OF FORMER EMPLOYEES OF THE
DEBTOR FOR WARN ACT DAMAGES (CLAIM NO. 3246)**

**IMPORTANT NOTICE TO CREDITORS:
THIS IS AN OBJECTION TO YOUR CLAIM**

This objection seeks to disallow your claim. Please read this objection carefully to identify which scheduled claim is objected to and what disposition of your claim is recommended.

If you disagree with the objection or the recommended treatment, you must file a written response WITHIN 30 DAYS from the date of service stated in this objection, explaining why your claim should be allowed as presently filed, and you must mail a copy to the undersigned attorneys OR YOUR CLAIM MAY BE DISPOSED OF IN ACCORDANCE WITH THE RECOMMENDATION IN THIS OBJECTION.

If your entire claim is objected to and this is a chapter 11 case, you will not have the right to vote to accept or reject any proposed plan of reorganization until the objection is resolved, unless you request an order pursuant to Bankruptcy Rule 3018(a) temporarily allowing your claim for voting purposes.

Any written response must contain the case name, case number, and must be filed with the Clerk of the United States Bankruptcy Court, Bryan Simpson United States Courthouse, 300 North Hogan Street, Suite 3-350, Jacksonville, FL 32202 with a copy to Debi Evans Galler, Esq., Berger Singerman, P.A., 200 South Biscayne Blvd., Suite 1000, Miami, FL 33131.

The Official Committee of Unsecured Creditors (the "Committee"), for and on behalf of the estate of Taylor, Bean & Whitaker Mortgage Corp. (the "Debtor" or "TBW") (the Committee, together with the Debtor or TBW, will be referred to as the "Movant"), pursuant to the *Order Granting Motion for the Official Committee of Unsecured Creditors for Derivative*

Standing to Prosecute Litigation in the Name of the Debtor [D.E. # 1020] and the *Notice of Sixth Amendment to the Colorable Actions List filed Pursuant to the Order Granting Motion of the Official Committee of Unsecured Creditors for Derivative Standing to Prosecute Certain Actions in the Name of the Debtor, Adding Claims Against Certain Entities and Individuals* [D.E. # 3272]¹, along with and pursuant to Federal Rule of Bankruptcy Procedure 3007 and Local Rule 3007-1, hereby files this objection (the “Objection”) to the employee claims represented by and included within *Class Proof of Claim on Behalf of Former Employees of Debtor for WARN Act Damages* (“Class Proof of Claim”), Claim No. 3246, as follows:

CLAIMANT	CLAIM NUMBER	CLAIM AMOUNT	BASIS FOR DISPOSITION	RECOMMENDED DISPOSITION
Former Employees of Debtor (as defined in the Class Proof of Claim) Rene S. Roupinian Outten & Golden LLP 3 Park Avenue, 29 th Floor New York, New York 10016	3246	\$28,000,000.00	The Movant objects to each claim included within and represented by Claim No. 3246 on the basis that the claim includes employee claims that should be settled pursuant to a mediated agreement in regard to the WARN Act Adversary Proceeding (Case No. 09-00439-JAF). To the extent that a claim included within and represented by Claim No. 3246 consists of any claim amount that will be settled pursuant to the WARN Act Settlement, under which said proof of claim for WARN damages will be withdrawn, Movant objects. The WARN Act Settlement was resolved at mediation and a motion to approve the settlement is anticipated to be filed shortly, but the Movant files this Objection to all claims included within and represented by Claim No. 3246 to the extent they consist of claims that will be satisfied through the WARN Act Settlement in an abundance of caution.	Disallow all claims included within and represented by Claim No. 3246 in their entirety.

The Movant reserves the right to amend the objection to the claim set forth herein, to object on additional grounds not set forth herein and/or to object to any further claims not

¹ On the Effective Date of the *Third Amended and Restated Joint Plan of Liquidation of the Debtors and the Official Committee of Unsecured Creditors* (the “Plan”), as that term is defined in the Plan, the post-confirmation plan trust (“Plan Trust”) defined by and provided for in the Plan shall be deemed substituted as the moving party in this Objection (as defined herein) pursuant to Article 6(F) of the Plan. The Court entered an Order confirming the Plan on July 21, 2011 (D.E. # 3420).

presently set forth herein. By filing this Objection, the Movant does not waive the right to file further objections or to pursue avoidance actions or other causes of action.

WHEREFORE, the Movant respectfully requests that the Court (1) dispose of the claim set forth herein, as recommended by the Movant, on the grounds set forth in this Objection, without prejudice to the rights of the Movant or other interested parties to file further objections or to pursue avoidance actions or other causes of action, and (2) grant such other and further relief as is just and appropriate.

I HEREBY CERTIFY that I am admitted to the Bar of the United States District Court for the Middle District of Florida and I am in compliance with the additional qualifications to practice in this court set forth in Local Rule 2090-1(a).

Respectfully submitted,

BERGER SINGERMAN, P.A.
*Counsel for the Official Committee of
Unsecured Creditors*
200 South Biscayne Blvd., Suite 1000
Miami, FL 33131
Telephone: (305) 755-9500
Facsimile: (305) 714-4340

By: /s/ Alisa Paige Mason
Debi Evans Galler
Florida Bar No.985236
dgaller@bergersingerman.com
Alisa Paige Mason
Florida Bar. No. 084461
pmason@bergersingerman.com