

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

In re:

Chapter 11 Case

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,
REO SPECIALISTS, LLC, and
HOME AMERICA MORTGAGE, INC.,

Case No. 3:09-bk-07047-JAF
Case No. 3:09-bk-1022-JAF
Case No. 3:09-bk-10023-JAF

Debtors.

Jointly Administered Under
Case No. 3:09-bk-07047-JAF

_____/

In re:

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,

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

Applicable Debtor.

_____/

**AGREED *EX PARTE* MOTION TO CONTINUE (A) JUNE 8, 2012 HEARING ON
MOTION TO COMPEL PRODUCTION OF DOCUMENTS FILED BY
NATIONAL UNION FIRE INSURANCE COMPANY AND (B) JULY 5, 2012
FINAL HEARING ON ADMINISTRATIVE EXPENSE APPLICATIONS
FILED BY NATIONAL UNION FIRE INSURANCE COMPANY**

Neil F. Luria as Plan Trustee for the Taylor, Bean & Whitaker Plan Trust¹ (the “Plan Trust”) moves to continue the following matters: (a) the July 5, 2012 final evidentiary hearing on the (i) *Request and Application of National Union Fire Insurance Company of Pittsburgh, PA., Chartis Specialty Insurance Company, Granite State Insurance Company, the Insurance Company of the State of Pennsylvania, Commerce and Industry Insurance Company, and Certain Other Affiliates of Chartis Inc. for Payment of Administrative Expense Claim* (D.E. 4026) (“Administrative Application”) and (ii) *Supplement to Request and Application of*

¹ As of the effective date of the *Third Amended and Restated Joint Plan of Liquidation of the Debtors and the Official Committee of Unsecured Creditors* (D.E. 3240) (the “Third Amended Plan”), August 10, 2011, the Debtors and the Official Committee of Unsecured Creditors (“Committee”) have been replaced by the Plan Trust.

National Union Fire Insurance Company of Pittsburgh, PA., Chartis Specialty Insurance Company, Granite State Insurance Company, the Insurance Company of the State of Pennsylvania, Commerce and Industry Insurance Company, and Certain Other Affiliates of Chartis Inc. for Payment of Administrative Expense Claim (D.E. 4032) (“Supplemental Application”, together with the Administrative Application, the “Administrative Expense Claim” (Claim No. 3484)); and (b) the June 8, 2012 hearing on the *Motion to Compel Production of Documents* (D.E. 5321) (the “Motion to Compel”). The Plan Trustee states in support thereof:

1. National Union Fire Insurance Company of Pittsburgh, PA., Chartis Specialty Insurance Company, Granite State Insurance Company, the Insurance Company of the State of Pennsylvania, Commerce and Industry Insurance Company, and Certain Other Affiliates of Chartis Inc. (collectively, the “Applicant”) filed the Administrative Application on September 12, 2011². The Plan Trustee filed an objection to the Administrative Expense Claim (the “Administrative Objection”) (D.E. 5009) on March 8, 2012. The Court set a final evidentiary hearing on the Administrative Expense Claim for July 5, 2012.

2. On April 5, 2012, the Applicant served a request for production of documents (the “Document Requests”) on the Plan Trustee. The Plan Trustee objected to the Document Requests (the “Objections”) on a number of grounds, including but not limited to relevancy. The Plan Trustee served its Objections on May 4, 2012.

3. The Applicant then filed its Motion to Compel on May 24, 2012 and the Court set a hearing on the Motion to Compel for June 8, 2012³.

² The Applicant filed the Supplemental Application on September 13, 2012.

³ The Court originally set a hearing on the Motion to Compel for July 13, 2012, but rescheduled the hearing until June 8, 2012.

4. The Plan Trustee's counsel reached out to counsel for the Applicant to discuss continuing the June 8, 2012 hearing because of an unavoidable scheduling conflict recently arising on the part of the Plan Trustee's counsel. Counsel for the Applicant was amenable, but was unavailable for the Court's next omnibus hearing date, July 13, 2012. In light of the final hearing on the Administrative Expense Claim currently scheduled for July 5, 2012, the Plan Trustee's counsel and the Applicant's counsel agreed to request a continuance of both the hearing on the Motion to Compel and the final evidentiary hearing on the Administrative Expense Claim.

5. Specifically, the Plan Trustee and the Applicant respectfully request that the Court continue the hearing on the Motion to Compel until the Court's omnibus hearing date in August and continue the final evidentiary hearing on the Administrative Expense Claim until some date in October, as the Court's schedule permits.

WHEREFORE the Plan Trustee respectfully requests an Order (a) continuing the June 8, 2012 hearing on the Motion to Compel until the August omnibus hearing date, or as the

Court's schedule permits; (b) continuing the July 5, 2012 hearing on the Administrative Expense Claim until a date in October, as the Court's schedule permits; and (c) order any other relief that is just or necessary.

Dated: June 5, 2012

Respectfully submitted,

BERGER SINGERMAN LLP
*Counsel to Neil F. Luria, Plan Trustee for the
Taylor, Bean & Whitaker Plan Trust*
1450 Brickell Avenue, Suite 1900
Miami, FL 33131-3453
Telephone: (305) 755-9500
Facsimile: (305) 714-4340

By: /s/ Alisa Paige Mason
James D. Gassenheimer
Florida Bar No. 959987
jgassenheimer@bergersingerman.com
Alisa Paige Mason
Florida Bar No. 084461
pmason@bergeringerman.com