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*ATTORNEYS FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS*

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>In re:</b>	§	<b>Case No. 04-81694-SAF</b>
<b>VARTEC TELECOM, INC., et al.,</b>	§	<b>(Chapter 11)</b>
	§	
<i>Debtors.</i>	§	<b>(Jointly Administered)</b>

**MOTION FOR EXPEDITED HEARING ON THE  
EXPEDITED MOTION FOR RULE 2004 EXAMINATIONS  
OF FORMER DIRECTORS AND OFFICERS OF THE DEBTORS**

TO THE HONORABLE COURT:

The Official Committee of Unsecured Creditors (the “Committee”) of the above-referenced debtors and debtors in possession (collectively, the “Debtors”) files this Motion for Expedited Hearing (the “Motion for Expedited Hearing”) on the Expedited Motion for Rule 2004 Examinations of Former Directors and Officers of the Debtors (the “Rule 2004 Motion”), and respectfully states as follows:

1. The Committee has commenced an investigation of potential causes of action the Debtors’ estates might have against third parties (the “Estate Claims”).

2. In the Rule 2004 Motion filed concurrently with this Motion for Expedited Hearing, the Committee requests that certain former Debtor directors, officers, and/or employees

produce certain documents relevant to the Committee's investigation of potential Estate Claims, and also requests an examination of those former directors, officers, and/or employees.

3. The Committee requests that the Motion be heard on an expedited basis because the Committee is investigating multiple claims against numerous individuals with varying restrictions and limitations, including the statute of limitations. Additionally, because insurance proceeds will likely be used to satisfy the potential claims, and there is a substantial likelihood that those proceeds will be the subject of competing claims, it is necessary for the Committee to complete its investigation as expeditiously as possible. Specifically, *Seidel v. TEC* – filed on May 18, 2005 and set for docket call on February 26, 2006 – will seek to recover on claims from the same insurance policies that cover the potential claims against VarTec former and current directors and officers that the Committee is investigating through these 2004 Examinations.

4. The Committee respectfully requests that the Court set the Rule 2004 Motion for hearing on July 25, 2005 at 1:30 p.m., or at some earlier time on an expedited basis as the Court's calendar permits.

**WHEREFORE**, the Committee respectfully requests that the Court set the Rule 2004 Motion for hearing on July 25, 2005 at 1:30 p.m., or at some earlier time on an expedited basis as the Court's calendar permits.

Dated: July 15, 2005.

Respectfully submitted,

/s/ Peter Tierney

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*Attorneys for the Official Committee of  
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### **CERTIFICATE OF CONFERENCE**

The undersigned does hereby certify that Committee counsel conferred with Jamil Alibhai, counsel for A. Ray Atkinson, Connie Mitchell, and possibly Ron Hughes, regarding the relief requested in this Motion. Mr. Alibhai has been attempting since the first of July to find suitable dates for the examinations but has not yet provided those dates. Additionally, the undersigned does hereby certify that he attempted to ascertain whether the remaining individuals are represented by counsel in this matter, but, as of the time of the filing of this Motion, has been unable to do so. The following individuals have been served by first class mail at the following locations:

Joe Cook  
P.O. Box 2249  
Malakoff, TX 75148

Joe Cook  
207 N. Beverly Drive  
Malakoff, TX 75148

Ronald Hughes  
100 Jenkins Road  
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Gary Egger  
1739 Crescent Lane  
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Sonia Ayers  
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Sonia Ayers  
511 Brigman Road  
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Committee counsel will diligently work with counsel to attempt to reach an agreement regarding this Motion and the Rule 2004 Motion prior to any hearing on the Motion.

/s/ Peter Tierney

Peter Tierney

### **CERTIFICATE OF SERVICE**

The undersigned does hereby certify that, on July 15, 2005, a true and correct copy of the foregoing has been served, via ECF electronic mail and/or by regular United States Mail, postage-prepaid, on the parties listed on the Master Service List (*as of May 11, 2005*). Additionally, a copy of this Motion was served by regular United States Mail, postage-prepaid, at the following addresses:

Joe Cook  
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Jamil Alibhai (on behalf of Connie Mitchell and Hollis Ray Atkinson)  
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/s/ Jonathan Covin  
Jonathan Covin