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10 **UNITED STATES BANKRUPTCY COURT**
11 **DISTRICT OF ARIZONA**

13 In re:

14 MORTGAGES LTD.,

15 Debtor.

No. 2-08-bk-07465-RJH

CHAPTER 11

**STIPULATED MOTION TO EXTEND TIME
TO FILE MOTION TO ALTER OR AMEND
JUDGMENT**

17 Jennings Strouss & Salmon, P.L.C. ("JSS") and FTI Consulting, Inc. ("FTI"),
18 administrative claimants in these proceedings, stipulate and jointly move the Court for the entry of an
19 order extending until and including October 15, 2009 the time within which FTI may bring a motion to
20 alter or amend the judgment pursuant to Rule 59(a)(2), applicable in these proceedings pursuant to
21 Bankruptcy Rule 9023, with respect to the *Order Granting Final Application for Allowance of Payment*
22 *of Compensation and Reimbursement of Expenses of Jennings, Strouss & Salmon, P.L.C. for Services*
23 *Rendered and Expenses Incurred on Behalf of the Debtor* [DE 2164] (the "Order"). FTI's basis to file
24 such a motion is limited to a provision of the Order that FTI contends may prejudice its rights as a
25 competing administrative claimant. However, the issue of prejudice to FTI as a result of the payment of
26 other administrative claims pursuant to final orders is already before the Court as a result of FTI's

1 *Motion to Alter or Amend Judgment* [DE 2159] filed on September 8, 2009 in these proceedings. That
2 matter is presently set for hearing on October 8, 2009, and the resolution of that matter may eliminate
3 the need for further proceedings with respect to the Order. This stipulated motion shall not be construed
4 to affect or impair JSS' right to challenge the procedural grounds or merits of any motion or appeal filed
5 by FTI.

6 The ten-day period within which to file post-trial motions is not jurisdictional and may be
7 extended by the court or waived by the parties. *See PAI Corporation v. Integrated Science Solutions,*
8 *Inc.*, 2009 WL 1106809, at *2 (N.D. Cal. 2009) (*citing Kontrick v. Ryan*, 540 U.S. 443 (2004) and
9 *Eberhart v. United States*, 560 U.S. 12 (2005)).

10 WHEREFORE, JSS and FTI respectfully request that the Court enter its order extending
11 the time within which FTI may file a motion to alter or amend judgment with respect to the Order to and
12 including October 15, 2009. A proposed form of order is respectfully submitted herewith.

13 DATED this 24th day of September, 2009.

14 SCHIAN WALKER, P.L.C.

15
16 By /s/ MICHAEL R. WALKER, #003484
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Attorneys for FTI Consulting, Inc.

19 JENNINGS STROUSS & SALMON, P.L.C.

20
21 By /s/ MICHAEL R. WALKER, w/permission by
22 Carolyn J. Johnsen
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24
25
26

1 COPY of the foregoing
2 e-mailed this 24th day
of September, 2009, to:

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