

1 Allan B. Diamond (pro hac vice pending)
Eric D. Madden (pro hac vice pending)
2 Josh Bruckerhoff (pro hac vice pending)
Craig Boneau (pro hac vice pending)
3 **DIAMOND MCCARTHY LLP**
909 Fannin, Suite 1500
4 Houston, Texas 77010
Telephone: (713) 333-5100
5 Facsimile: (713) 333-5199

6 Dean M. Dinner, #010216
NUSSBAUM & GILLIS, P.C.
7 14500 N. Northsight Blvd, Suite 116
Scottsdale, Arizona 85260
8 Telephone: (480) 609-0011
Facsimile: (480) 609-0016
9 ddinner@nussbaumgillis.com

10 *Attorneys for the ML Liquidating Trust*

11
12 **IN THE UNITED STATES BANKRUPTCY COURT**
13 **FOR THE DISTRICT OF ARIZONA**

14 In re:
15 MORTGAGES LTD.,
16 Debtor.

In Proceedings Under Chapter 11
Case No. 2:08-bk-07465-RJH

**APPLICATION FOR ORDER
REQUIRING SM COLES, LLC TO
PRODUCE DOCUMENTS PURSUANT TO
FEDERAL RULE OF BANKRUPTCY
PROCEDURE 2004**

17
18
19
20 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the ML Liquidating Trust (the
21 “**ML Trust**” or “**Movant**”) hereby requests this Court to issue an order requiring SM Coles,
22 LLC, (“**SM Coles**”):
23

24 To produce the documents requested in the attached Exhibit “A” for inspection
and copying by the Movant on a date and time agreeable to the parties or, if upon
25 notice, after not less than 10 days’ notice.

26 This Application is further explained in the following Memorandum.

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Memorandum

The ML Trust is the successor to Mortgages Ltd. (“ML”) under the confirmed plan of reorganization in this case. The ML Trust seeks information concerning services performed by SM Coles on behalf of ML and ML’s affiliates, subsidiaries, or otherwise related entities. The ML Trust seeks this information to assist in the collection and investigation of ML’s assets and liabilities.

The requested discovery from SM Coles is well within the scope of examination permitted under Federal Rule of Bankruptcy Procedure 2004, which includes:

[t]he acts, conduct, or property or . . . the liabilities and financial condition of the debtor, or . . . any matter which may affect the administration of the debtor’s estate, or to the debtor’s right to a discharge. In a . . . reorganization case under chapter 11 of the Code, . . . the examination may also relate to the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefore, and any other matter relevant to the case or to the formulation of a plan.¹

Conclusion

Accordingly, the ML Trust requests that this Court enter the form of order submitted with this Motion.

Dated: September 30, 2009.

DIAMOND MCCARTHY LLP

/s/ Eric D. Madden

Allan B. Diamond (pro hac vice pending)
Eric D. Madden (pro hac vice pending)
Josh Bruckerhoff (pro hac vice pending)
Craig Boneau (pro hac vice pending)
909 Fannin, Suite 1500
Houston, Texas 77010

-and-

NUSSBAUM & GILLIS P.C.

/s/ Dean Dinner

Dean Dinner (AZ Bar No. 010216)
14500 N. Northsight Blvd., Suite 116
Scottsdale, AZ 85260-3659
*Special Litigation Counsel for the
ML Liquidating Trust*

¹ FED. R. BANKR. P. 2004(b).

NUSBAUM & GILLES, P.C.
ATTORNEYS AT LAW
14500 N. NORTHSIGHT BLVD, SUITE 116
SCOTTSDALE, ARIZONA 85260
(480) 609-0011

1 ORIGINAL of the foregoing electronically
2 filed this 30th day of September 2009, with:

3 Clerk, United States Bankruptcy Court
4 District of Arizona
5 230 North First Avenue, Suite 101
6 Phoenix, AZ 85003-1706
7 <https://ecf.azb.uscourts.gov>

8 COPY of the foregoing e-mailed
9 This 30th day of September 2009, to the
10 parties on the attached Service List

11 /s/ Samanta Rivera

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

I. DEFINITIONS

As used herein, unless otherwise indicated:

1. “Communication” means any transmittal of information, of any kind, without regard to whether such information was transmitted orally, in writing, electronically, visually, or by any other means.

2. “Debtor” shall mean Mortgages Ltd. and its predecessors and successors, past and present subsidiaries, affiliates, divisions, branches, agents, officers, directors, employees, attorneys, agents, brokers, representatives, servants, and any and all other persons or entities acting or purporting to act directly or indirectly on behalf of or under the control of the Debtor, including any attorneys, advisors, or consultants.

3. “Delayed-Funding Borrowers” means all of the following entities, their predecessors and successors, past and present subsidiaries, affiliates, divisions, branches, agents, officers, directors, employees, attorneys, agents, brokers, representatives, servants, and any and all other persons or entities acting or purporting to act directly or indirectly on behalf of or under the control of any of the Delayed-Funding Borrowers, including any attorneys, advisors, or consultants:

- Tempe Land Co., L.L.C.
- Rightpath Ltd. Development Group
- Central and Monroe, L.L.C.
- Northern 120, L.L.C.
- Cottonwood Parking, Inc.
- Central PHX Partners, L.L.C.
- The Zacher Development Company, L.L.C.
- Maryland Way Partners, L.L.C.
- University and Ash, L.L.C.
- PDG Los Arcos, L.L.C.
- Ecco Holdings, L.L.C.
- National Retail Development Partners, L.L.C.

- All State Associates of Pinal IX, L.L.C

4. “Document” means all originals, drafts and modifications of originals, as well as copies, duplicates, and counterparts of originals, of written, printed, typed, graphic, recorded, and visually or orally reproduced material of any kind, whether or not privileged, and includes, but is not limited to, correspondence, business records, telephone records and notations, diaries, calendars, minutes, contracts, agreements, orders, receipts, invoices, bills, pictures, drawings or sketches, blueprints, designs, notebooks, advertising and commercial literature, promotional literature of any kind, cables, telexes, telegrams, recordings, patents, lists, charts, pamphlets, appendices, exhibits, summaries, outlines, logs, journals, agreements, work papers, statements, records of inventory, financial and/or accounting records, catalogues, trade journals, and any other documented or recorded information. The term “document” also includes every other manner by which information is recorded or transmitted, including but not limited to, microfilms, punch cards, disks, tapes, computer programs, printouts, all recordings made through data processing techniques, and instructions and directions for use of the data processing equipment to obtain the information recorded by that method. The term “document” refers to copies, duplicates, and/or counterparts only where (i) the copy, duplicate, or counterpart is not exactly identical to the original or (ii) your records only contain a copy, duplicate, or counterpart of the original and not the original itself.

5. “Entity” or “Entities” shall mean the following entities, their predecessors and successors, past and present subsidiaries, affiliates, divisions, branches, agents, officers, directors, employees, attorneys, agents, brokers, representatives, servants, and any and all other persons or entities acting or purporting to act directly or indirectly on behalf of or under the control of any of the Entities, including any attorneys, advisors, or consultants:

- Mortgages Ltd. Commercial Capital, LLC
- Mortgages Ltd. Insurance, LLC
- Mortgages Ltd. Investments, LLC
- Mortgages Ltd. Securities, LLC
- Mortgages Ltd. Title Agency, LLC
- Mortgages Ltd. 401K Plan
- Realty Ltd.
- SM Revocable Trust
- Mortgages Ltd. Opportunity Fund MP11, LLC, f/k/a MP122030 L.L.C., f/k/a MP052008 L.L.C.
- Mortgages Ltd. Opportunity Fund MP12, LLC
- Mortgages Ltd. Opportunity Fund MP13, LLC
- Mortgages Ltd. Opportunity Fund MP14, LLC
- Mortgages Ltd. Opportunity Fund MP15, LLC
- Mortgages Ltd. Opportunity Fund MP16, LLC
- Mortgages Ltd. Opportunity Fund MP17, LLC
- Value-to-Loan Opportunity Fund 1, LLC
- MP022000 LLC
- MP102000 LLC
- MP052001 LLC
- MP012002 LLC
- MP092004 LLC
- MP062003 LLC
- MP032004 LLC
- MP052005 LLC
- Radical Bunny, LLC
- Tempe Land Co.
- Rightpath Ltd. Development Group

6. “Evidencing” means constituting, mentioning, describing, concerning, referring to, relating to, supplementing, amending, superseding, replacing, modifying, or pertaining to, in whole or in part, the subject matter of the particular requests.

7. “Funds” includes all of the following entities, their predecessors and successors, past and present subsidiaries, affiliates, divisions, branches, agents, officers, directors, employees, attorneys, agents, brokers, representatives, servants, and any and all other persons or entities acting or purporting to act directly or indirectly on behalf of or under the control of any of the Funds, including any attorneys, advisors, or consultants:

- Mortgages Ltd. Opportunity Fund MP11, LLC, f/k/a MP122030 L.L.C., f/k/a MP052008 L.L.C.
- Mortgages Ltd. Opportunity Fund MP12, LLC
- Mortgages Ltd. Opportunity Fund MP13, LLC
- Mortgages Ltd. Opportunity Fund MP14, LLC
- Mortgages Ltd. Opportunity Fund MP15, LLC
- Mortgages Ltd. Opportunity Fund MP16, LLC
- Mortgages Ltd. Opportunity Fund MP17, LLC
- Value-to-Loan Opportunity Fund 1, LLC
- MP022000 LLC
- MP102000 LLC
- MP052001 LLC
- MP012002 LLC
- MP092004 LLC
- MP062003 LLC
- MP032004 LLC
- MP052005 LLC

8. “Identify” or “identity” with respect to a natural person requires that the following information be provided for each such person:

- (a) the name of the person;
- (b) the last known home address, business address and/or telephone number of each person.

9. “Identify” or “identity” with respect to a person other than a natural person (e.g., corporation, partnership, unincorporated joint venture, sole proprietorship, subchapter S corporation) requires that the following information be provided for each such person:

- (a) the name of the person;
- (b) the last known address and telephone number of that person's headquarters or principal place of business.

10. “Identify” or “identity” with respect to a document means to state the date and author of the document, the type of document (e.g., letter, memorandum, telegram, chart), the addressee or intended recipient, a summary of its contents or other means of identifying the

document, and the present location and custodian of the document. Alternatively, in lieu of the foregoing identification, the document may be produced along with an identification of the interrogatory to which it is responsive. If any such document was, but is no longer, in the possession, custody, or control of Scott Coles LLC or Scott Coles LLC's attorneys or agents, state what disposition was made of it and the date of such disposition. With respect to document identification, documents prepared subsequent to or prior to the time period specified in these interrogatories but which relate or refer to such time or period are to be included in your response.

11. "Identify" or "identity" with respect to a communication, written or oral conversation, conference or meeting, means to identify all persons participating in or in attendance at the communication, conversation, conference or meeting, and to identify all documents recording, summarizing or otherwise arising from the communication, conversation, conference or meeting in accordance with the definitions stated above. In addition, "identify" or "identity" with respect to a communication, conversation, conference or meeting means to state in detail its purpose, all subjects discussed, the method(s) of communication.

12. "Individual" or "Individuals" shall mean the following individuals:

- Scott Coles
- Chris Olsen
- Michael Denning
- Tom Hirsch
- Bob Furst
- Veronica Sas
- Nechelle Wimmer
- Jeff Brandon
- Mitch Adler
- Manny Alemany
- Eva Yang
- Kim Roberts
- Bobby Barnes
- DiEsta Kiesling

- George Everette
- Wendy Levin
- Ryan Walter
- Phil Sollomi
- Laura Martini
- Dana Wilson
- Harish Shah
- Howard Walder
- Berta Walder

13. “Person” means an individual, firm, partnership, corporation, incorporated or unincorporated association, and any other legal, commercial, corporate or natural entity. “Person” means the plural as well as the singular.

14. “Relating or referring” and/or “relate or refer” means in whole or in part constituting, containing, concerning, embodying, evaluating, reflecting, describing, discussing, demonstrating, evidencing, supporting, analyzing, identifying, stating, referring to or dealing with, or in any way pertaining to including without limitation documents that relate to the preparation of another document, or documents that are attached to or enclosed with another document.

15. “SM Coles LLC” shall refer to SM Coles, LLC and/or Scott Coles, LLC and its predecessors and successors, past and present subsidiaries, affiliates, divisions, branches, agents, officers, directors, employees, attorneys, agents, brokers, representatives, servants, and any and all other persons or entities acting or purporting to act directly or indirectly on behalf of or under the control of Scott Coles LLC, including any attorneys, advisors, or consultants.

16. “You” or “your” refers to SM Coles, LLC (as defined above) and its employees, officers, agents, subsidiaries, affiliates and all other persons acting, understood to act, or purporting to act on its behalf or under its direction or control.

II. INSTRUCTIONS

1. The following document requests are to be responded to fully, by furnishing all information in your possession, custody or control. Your having possession, custody, or control of a document includes your having a right, superior to other parties, to compel the production of such document from a third party, such as your agent, employee, representative, or, unless privileged, attorney.

2. If any document requested herein has been lost, discarded, or destroyed, the document so lost, discarded or destroyed should be identified as completely as possible, including without limitation, the date the document was lost, discarded, or destroyed, the manner in which the document was lost, discarded, or destroyed, the reason(s) the document was lost, discarded, or destroyed, the person who authorized that the document be destroyed or discarded, and the person who lost, discarded, or destroyed the document.

3. If you cannot produce a document because it no longer exists or is no longer in your possession, custody, or control, please identify that document by: (a) its title; (b) its nature (for example, a “letter” or “e-mail”); (c) the date it was created or sent; (d) its author(s) and signator(y/ies); (e) any of its recipient(s); (f) the last place it was known to have been located; (g) the circumstances under which it ceased to exist or passed from your possession, custody, or control; and (h) the identity and last known residence and business address of any person who had knowledge of its existence and location.

4. Produce the original, as well as all non-identical duplicates or copies and/or drafts, of all requested documents in your possession, in the possession of your agents, attorneys, accountants or employees, or which are otherwise within your custody, control, or access, wherever located. A document with handwritten notes, editing marks, etc., is not identical to one

without such notes or marks and therefore must be produced if within the scope of documents requested.

5. Produce each requested document in its entirety, including all attachments and enclosures, even if only a portion of the document is responsive to the request.

6. If you withhold from production any document (or portion of any document) that is otherwise responsive to a request on the basis of a claim of privilege, work product, or other ground, you must provide sufficient information regarding the withheld document to permit the Court and the parties to evaluate the propriety of your objection. Specifically, you must identify: (a) the name and title of the author(s) of the document; (b) the name and title of each person to whom the document was addressed; (c) the name and title of each person to whom the document was distributed; (d) the name and title of each person to whom the document was disclosed, in whole or in part; (e) the type of document (e.g., “memorandum” or “report”); (f) the subject matter of the document; (g) the purpose(s) of the document; (g) the date on the document and, if different, the date on which the document was created and/or sent; (h) the number of pages of the document; (i) the specific request herein to which the document is responsive; (j) the nature of the privilege(s) asserted as to the document; and (k) a detailed, specific explanation as to why the document is privileged or otherwise immune from discovery, including a presentation of all factual grounds and legal analyses.

7. If any requested document cannot be produced in full, produce it to the extent possible, indicating what is being withheld and the reason it is being withheld.

8. Please produce each specified document either (a) in the original file or organizational system in which it is regularly maintained or organized or (b) designate which documents are being produced in response to which of the numbered specifications below.

Produce the requested documents either in their original file folders or appended to a copy of any writing on the file folders from which the documents are taken.

9. Identify each document produced by the paragraph number of this schedule to which it is responsive. If a document is produced in response to more than one request, it is sufficient to identify only the first request to which the document is responsive.

10. All electronically stored information must be produced in the same form or forms in which it is ordinarily maintained. Specifically, all electronically stored information must be produced in its native format, so that the metadata can be accessed.

11. Unless otherwise specified, the relevant time period for this request is from January 1, 2002 through and including the present.

12. This request is a continuing one that calls for the supplemental or additional production of documents if any defendant or its counsel obtains supplemental or additional documents.

13. In responding to the requests below: (a) the disjunctive shall also be read to include the conjunctive and vice versa; (b) “including” shall be read to mean “including without limitation;” (c) the singular shall also be read to include the plural and vice versa; (d) the present shall also be read as if the past tense and vice versa; (e) “any” shall be read to include “all” and vice versa; and (f) “and” shall be read to include “or” and vice versa.

III. DOCUMENTS

YOU ARE REQUESTED to produce the documents set forth below:

1. All documents relating to any loans from the Debtor to SM Coles, LLC or from the SM Coles, LLC to the Debtor.

2. All documents relating to any loans from the Entities to SM Coles, LLC or from the SM Coles, LLC to the Entities.
3. All documents relating to any real estate held by SM Coles, LLC.
4. All documents relating to any real estate transactions between the Debtor and SM Coles, LLC.
5. All documents relating to any real estate transactions between the Entities and SM Coles, LLC.
6. All documents relating to SM Coles LLC's transactions with the Debtor.
7. All documents relating to SM Coles LLC's transactions with the Entities.
8. All documents relating to the Individuals.
9. All communications relating to SM Coles LLC's transactions with the Debtor.
10. All communications relating to SM Coles LLC's transactions with the Entities.
11. All communications with the Individuals.
12. All documents relating to any insurance policy referring to the Debtor.
13. All documents relating to any insurance policy referring to the Entities.
14. All documents relating to any insurance policy referring to Scott Coles.
15. All documents relating to the Delayed-Funding Borrowers.
16. All communications relating to the Delayed-Funding Borrowers.
17. All documents related to any audits of SM Coles LLC from January 1, 2002 until the present.
18. All documents related to any investment into Mortgages Ltd. or loans originated by Mortgages Ltd.

Jonathan E. Hess
Trial Attorney
Office of the United States Trustee
230 N. First Ave., Ste. 204
Phoenix, AZ 85003
E-Mail: jon.e.hess@usdoj.gov

John R. Clemency
Todd A. Burgess
Greenberg Traurig LLP
2375 E. Camelback Rd., Ste. 700
Phoenix, AZ 85015
E-Mail: clemencyj@gtlaw.com
burgessst@gtlaw.com

Carolyn J. Johnsen
Bradley J. Stevens
Todd M. Adkins
Todd B. Tuggle
Jennings, Strouss & Salmon, PLC
The Collier Center, 11th Floor
201 E. Washington St.
Phoenix, AZ 85004-2385
E-Mail: cjohnsen@jsslw.com
bstevens@jsslw.com
tadkins@jsslw.com
ttuggle@jsslw.com
Attorneys for Mortgages Ltd.

Felecia A Rotellini
Robert Charlton
Arizona Department of Financial
Institutions
2910 N 44th St., Ste. 310
Phoenix, AZ 85018-0001
E-Mail: frotellini@azdfi.gov
rcharlton@azdfi.gov

Ryan W. Anderson
Guttilla Murphy Anderson PC
4150 W. Northern Ave.
Phoenix, AZ 85051-0001
E-Mail: randerson@gamlaw.com

Jerome K. Elwell
Warner Angle Hallam Jackson & Formanek
PLC
3550 N. Central, Ste. 1500
Phoenix, AZ 85012-2113
E-Mail: jelwell@warnerangle.com
Attorneys for Francine Hardaway

C. Bradley Vynalek
Quarles & Brady LLP
One Renaissance Square
Two N. Central Ave.
Phoenix, AZ 85004-2391
E-Mail: bvynalek@quarles.com
Attorneys for Ashley Coles

Craig A. Raby
Office of the Attorney General
1275 W. Washington
Phoenix, AZ 85007-2996
E-Mail: craig.raby@azag.gov

Scott A. Rose
Kerry M. Griggs
The Cavanagh Law Firm
1850 N. Central Ave., Ste. 2400
Phoenix, AZ 85004-4527
E-Mail: srose@cavanaghlaw.com
kgriggs@cavanaghlaw.com
Attorneys for Central PHX Partners, L.L.C.

Randall S. Papetti
Lewis and Roca LLP
40 N Central
Phoenix Arizona 85004-4429
rpapetti@lrlaw.com

Christopher S. Reeder
Gabriel G. Green
REEDER, LU & GREEN, LLP
2121 Avenue of the Stars, Suite 950
Los Angeles, California 90067
E-Mail: creeder@reederlugreen.com
ggreen@reederlugreen.com
Attorneys for Rightpath Limited
Development Group, LLC; Maryland
Way Partners, LLC; Daniel L. Hendon;
Rick L. Burton; Raymond Rodriguez;
Robert C. Banovac; Rightpath Limited,
LLC; and Glendale Jet Center, LLC

Christopher A. LaVoy
LaVoy & Chernoff, PC
201 N. Central Ave., Ste. 3300
Phoenix, AZ 85004-1052
E-Mail: cal@lavoychernoff.com
Attorneys for Sue Ross and Ted Dodenhoff

Robert A. Shull
Mariscal, Weeks, McIntyre,
& Friedlander, P.A.
2901 N. Central Ave., Ste. 200
Phoenix, AZ 85012-2705
E-Mail: Rob.Shull@mwmf.com
Attorneys for Artemus Realty
Capital, LLC and Gold Creek, Inc.

David William Engelman
Engelman Berger, P.C.
3636 N. Central Ave.
Phoenix, AZ 85012
E-Mail: dwe@engelmannberger.com
Attorneys for Tempe Land Company,
LLC

Philip R. Rudd
Ethan B. Minkin
Kutak Rock LLP
8601 N. Scottsdale Rd., Ste. 300
Scottsdale, AZ 85253
E-Mail: philip.rudd@kutakrock.com
ethan.minkin@kutakrock.com
Attorneys for Arizona Bank & Trust

Shelton L. Freeman
Nancy J. March
DeConcini McDonald Yetwin &
Lacy, P.C.
7310 N. 16th St., Ste. 330
Phoenix, AZ 85020
E-Mail: tfreeman@dmylphx.com
nmarch@dmyl.com
Attorneys for Radical Bunny, LLC

Richard R. Thomas
Thomas Schern Richardson, PLLC
1640 S. Stapley Dr., Ste. 205
Mesa, AZ 85204
rthomas@thomas-schern.com
twhitney@thomas-schern.com
Attorneys for Eva Sperber-Porter,
Litchfield Road Associates Limited
Partnership,
and Baseline & Val Vista Associates
Limited Partnership

John J. Dawson
John A. Harris
Quarles & Brady LLP
One Renaissance Square
Two N. Central Ave.
Phoenix, AZ 85004-2391
E-Mail: jdawson@quarles.com
jharris@quarles.com
Attorneys for Southwest Value
Partners Finance I, LLC and
Southwest
Value Partners Fund XIV, LP

Cathy L. Reece
Fennemore Craig, P.C.
3003 N. Central Ave., Suite
Suite 2600
Phoenix, Arizona 85012-2913
E-Mail: creece@fclaw.com
Attorneys for Official Investor
Committee

Charles A. LaMar
Justin C. LaMar
PO Box 1872
Phoenix, AZ 85004
E-Mail:
clamar@kmldevelopment.com
jlamar@kmldevelopment.com

C. Taylor Ashworth
Alisa C. Lacey
Stinson Morrison Hecker LLP
1850 N. Central Ave., Ste. 2100
Phoenix, AZ 85004
E-Mail: tashworth@stinson.com
alacey@stinson.com
Attorneys for Oxford and Investor
Group

Daniel P. Collins
Margaret A. Gillespie
Collins, May, Potenza, Baran &
Gillespie, P.C.
201 N. Central Ave., Ste. 2210
Phoenix, AZ 85004-0022
E-Mail: dcollins@cmpbglaw.com
mgillespie@cmpbglaw.com
Attorneys for William Hall

Jerry L. Cochran
Cochran Law Firm, P.C.
2999 N. 44th St., Ste. 600
Phoenix, AZ 85018
E-Mail:
jcochran@cochranlawfirm.com
Attorney for Metropolitan Lofts,
L.L.C.;
GP Properties Carefree Cave Creek,
LLC; MK Custom Residential
Construction, LLC;
McKinley Lofts, LLC; 4633 Van
Buren, L.L.C.;
City Lofts, L.L.C.; and Downtown
Communities
Builders Limited Partnership
Rebecca J. Winthrop
Ballard Spahr Andrews & Ingersoll,
LLP
2029 Century Park East, Ste. 800
Los Angeles, CA 90067-2909
E-Mail: winthropr@ballardspahr.com
Attorneys for University & Ash, LLC,
Roosevelt
Gateway LLC, Roosevelt Gateway II
LLC and KML Development

Lawrence E. Wilk
Jonathan P. Ibsen
Jaburg & Wilk, P.C.
3200 N. Central Ave., Ste. 2000
Phoenix, AZ 85012-2440
E-Mail: lew@jaburgwilk.com
jpi@jaburgwilk.com
Attorneys for Laura Martini

Roger Ashkenazi
10645 N. Tatum Blvd., Ste. 200-324
Phoenix, AZ 85028
E-Mail: rogera555@yahoo.com

Gerald K. Smith
Lewis and Roca LLP
40 N. Central Ave., Ste. 1900
Phoenix, AZ 85004-4429
E-Mail: gsmith@lrlaw.com
Representative Of The Estate Of
Scott M. Coles and Trustee of
the SMC Revocable Trust U/T/A

Dean C. Waldt
Ballard Spahr Andrews & Intersoll, LLP
Plaza 1000 – Ste. 500
Main St.
Voorhees, NJ 08043-4636
E-Mail: waldtd@ballardspahr.com
Attorneys for University & Ash, LLC,
Roosevelt
Gateway LLC, Roosevelt Gateway II LLC
and KML Development

Ronald L. Kohner
19820 N. 7th Street, Ste. 230
Phoenix, AZ 85024
Andrew@globaltriad.com

Terry A. Dake
Terry A. Dake, Ltd.
11811 N. Tatum Blvd., Ste. 3031
Phoenix, AZ 85028-1621
E-Mail: tdake@cox.net
Attorney for Penny Hardaway
Investments, LLC

Robert J. Spurlock
Bonnett, Fairbourn, Friedman &
Balint, P.C.
2901 N. Central Ave., Ste. 1000
Phoenix, AZ 85012
E-Mail: bspurlock@BFFB.com
Attorneys for Foothills Plaza IV,
LLC

Richard H. Herold
Hinshaw & Culbertson LLP
3200 N. Central Ave., Ste. 800
Phoenix, AZ 85012
E-Mail: rhoherold@hinshawlaw.com
Attorneys for Irwin Union Bank,
F.S.B.

Van C. Durrer II
Skadden, Arps, Slate Meacher &
Flom LLP
300 S. Grand Ave., Ste. 3400
Los Angeles, CA 90071
E-Mail: van.durrer@skadden.com
Attorneys for HML, LLC

Patrick R. Barrowclough
Atkinson, Hamill & Barrowclough,
P.C.
3550 N. Central, Ste. 1150
Phoenix, AZ 85012
Patrick.Barrowclough@azbar.org
Attorneys for Chuck Niday, Trustee
of the Ross
Verne Family Trust

Richard M. Lorenzen
Perkins Coie Brown & Bain, P.A.
2901 N. Central Ave., Suite 2000
Phoenix, AZ 85012-2788
E-Mail: rlorenzen@perkinscoie.com
Attorneys for Goldenbridge
Acquisition
Holdings II, LLC

Sheldon Sternberg
3212 Rainbow Ridge Dr.
Prescott, AZ 86303
E-Mail: sheldonsternberg@q.com
Pro Per

Kelly Haddad
21586 N. Greenway Road
Maricopa, AZ 85238
Kellyhaddad01@mac.com
Pro Per

Robert C Warnicke
Warnicke & Littler PLC
1411 N. Third St.
Phoenix, AZ 85004
E-Mail:
administrator@warnickelittler.com
Attorneys for Americapital, LLC

Adam C. Harris
Jessica L. Fainman
Schulte Roth & Zabel LLP
919 Third Ave.
New York, NY 10022
E-Mail: jessica.fainman@srz.com
adam.harris@srz.com
Attorneys for Goldenbridge
Acquisition Holdings II, LLC

Michael W. Carmel
Law Offices of
Michael W. Carmel, Ltd.
80 East Columbus Ave.
Phoenix, Arizona 85012-2334
E-Mail: michael@mcarmellaw.com
Attorney for Vanderbilt Farms, LLC,
Vistoso Partners, LLC, Ellsworth 160,
LLC, Riggs/Queen Creek 480, LLC,
ABCDW, LLC

Sandra W. Lavigna
Ronnie B. Lasky
U.S. Securities and Exchange
Commission
5670 Wilshire Blvd., 11th Floor
Los Angeles, CA 90036-3648
E-Mail: lavignas@sec.gov
lasky@sec.gov
Attorneys for U.S. Securities and
Exchange Commission

S. Cary Forrester
Forrester & Worth, PLLC
3636 N. Central Ave., Ste. 700
Phoenix, AZ 85012
E-Mail: scf@fwlawaz.com
Attorneys for the Lewis Trust

Stanford E. Lerch
Anthony E. DePrima
Lerch and DePrima, P.L.C.
4000 N. Scottsdale Rd., Ste. 107
Scottsdale, AZ 85251
E-Mail: slerch@ldlawaz.com
tdeprima@ldlawaz.com
Attorneys for Howard Farkash

Lone Star Acquisitions, LLC
c/o Robert C Warnicke
Warnicke & Littler PLC
1411 N. Third St.
Phoenix, AZ 85004
E-Mail: administrator@warnickelittler.com

Sorensen Companies
c/o The Cavanagh Law Firm
Don C. Fletcher
1850 N. Central Ave., Ste. 2400
Phoenix, AZ 85004
E-Mail: dfletcher@cavanaghlaw.com

Gerald T. Hickman
Jardine, Baker, Hickman & Houston,
P.L.L.C.
3300 N. Central Ave., Ste. 2600
Phoenix, Arizona 85012
E-Mail: ghickman@jbhhlaw.com
Attorney for Mayer Hoffman McCann, P.C.

Mark S. Bostick
Wendel, Rosen, Black & Dean LLP
1111 Broadway, 24th Floor
Oakland, CA 94607-4036
E-Mail: mbostick@wendel.com
Attorneys for Sheldon S. Kabaker, M.D.

Michael P. Anthony
Carson Messinger Elliott et al.
3300 N. Central Avenue #1900
Phoenix, AZ 85012
manthony@carsonlawfirm.com
Attorneys for Harold S. Jalowsky &
Thelma D. Jalowsky, Trustees of
Jalowsky Trust dated 5/31/89

Robert G. Furst
7181 E. Camelback Rd. #206
Scottsdale, AZ 85251
rgfurst@aol.com

Allen B. Bickart
Allen B. Bickart PC
312 Clubhouse Dr
Prescott, AZ 86303
bickartlaw@aol.com
Attorneys for Koumbas LLC, Ali Khan,
Arianthi Zistatsis, Carol Mahakian, Carolyn
Bickart, Debbie Greiff, Lisa Khan, Martin
Reiss, Minas Zistatsis, Nicholas Esposito,
Vic Rubin, Vickie Greiff, Adele Abrahams,
Kim Westberg, Laverne Westberg, Leo
Malone, Wendy Abrahams

Shane D. Buntrock
Rowley Chapman Barney &
Buntrock, Ltd.
63 E. Main St. #501
Mesa, AZ 85201
buntrock@azlegal.com
Attorneys for T&N Living Trust

Joseph E. Cotterman
Lindi M. Weber
Gallagher & Kennedy, PA
2575 E. Camelback Road
Phoenix, AZ 85016
jec@gknet.com
lindi.weber@gknet.com
Attorneys for William H. Parker
Family Trust, Susan Hoffland, Timothy
Hoffland, William H. Parker

Adam B. Decker
Jackson White PC
40 N. Center Street Ste. 200
Mesa, AZ 85201
adecker@jacksonwhitelaw.com
Attorneys for Farnsworth Wholesale
Company

Jonathan A. Dessauls
Dessaules Law Group
2700 N. Central Ave #1250
Phoenix, AZ 85004
[jdessaules@dessauleslaw.com](mailto:jdessauls@dessauleslaw.com)
Attorneys for Horizon Consulting,
Inc.

Scott R. Goldberg
Dale C. Schian
Schian Walker PLC
3550 N. Central Ave #1700
Phoenix, AZ 85012
dschian@swazlaw.com
Ecfdocket@swazlaw.com

William S. Jenkins
Jase Steinberg
Myers & Jenkins
3003 N. Central Ave #1900
Phoenix, AZ 85012
wsj@mjlegal.com
js@mjlegal.com

Christopher R. Kaup
Tiffany & Bosco PA
2525 E. Camelback Road #300
Phoenix, AZ 85016
crk@tblaw.com
Attorneys for Mountain Funding,
LLC

Richard H. Lee
Law Offices of Richard H. Lee
PO Box 7749
Phoenix, AZ 85011
lee@azbar.org
Attorneys for Revocable Trust of Irene
Ruth Ahearn

David Anthony McCarville
McCarville Law Offices PLC
501 N. Florence St #101
Casa Grande, AZ 85222
david@mccarvillelawoffices.com
Attorneys for Normark Farms

Howard C. Meyers
Burch & Cracchiolo, PA
702 E. Osborn #200
Phoenix, AZ 85014
hmeyers@bcattorneys.com
Attorneys for Steele Foundation Inc.

Robert J. Miller
Bryan Cave, LLP
Two N. Central Ave #2200
Phoenix, AZ 85004
rjmiller@bryancave.com
Attorneys for The Hawkins Group

Mark Allen Nadeau
Robert J. Odson
DLA Piper US LLP
2525 E. Camelback Rd #1000
Phoenix, AZ 85016
Mark.nadeau@dlapiper.com

Sean P. O'Brien
Gust Rosenfeld PLC
201 E. Washington #800
Phoenix, AZ 85004
spobrien@gustlaw.com
Attorneys for Mortgages Ltd. As
Ordinary Course Professional

Richard G. Patrick
US Attorney's Office
Two Renaissance Square
40 N. Central Ave #1200
Phoenix, AZ 85004
Richard.patrick@usdoj.gov
Attorneys for US Securities and
Exchange Commission

David N. Ramras
Ramras Law Offices PC
5060 N. 40th Street #103
Phoenix, AZ 85018
david@ramraslaw.com
Attorneys for Cecile Silverman

Michael Reynolds
COLLINS, MAY, POTENZA,
BARAN & GILLESPIE, P.C.
201 North Central Ave., #2210
Phoenix, Arizona 85004
mreynolds@cmpbglaw.com

Donald F. Ennis
Donald L. Gaffney
Christopher H. Bayley Snell &
Wilmer LLP
One Arizona Center
400 E Van Buren
Phoenix, AZ 85004-2202
dfennis@swlaw.com
CBayley@swlaw.com
dgaffney@swlaw.com

Landform Engineering Company
800c Butler Square
100 North Sixth Street
Minneapolis, MN 55403
Fax 612-252-9077

Edwin B. Stanley, Esq.
SIMBRO & STANLEY, PLC
8767 East Via de Commercio
Suite #103
Scottsdale, Arizona 85258-3374
bstanley@simbroandstanley.com
Attorneys for Stratera Portfolio
Advisors, LLC

Thomas J. Salerno, Esq.
Jordan A. Kroop, Esq.
**SQUIRE, SANDERS &
DEMPSEY L.L.P.**
Two Renaissance Square
40 North Central Avenue, Suite 2700
Phoenix, Arizona 85004-4498
tsalerno@ssd.com
jkroop@ssd.com

Steven M. Goldstein
Sacks Tierney, P.A.
4250 N. Drinkwater, Blvd. 4th Fl.
Scottsdale, AZ 85251
Goldstein@SacksTierney.com

David Wm. Engelman
Steven N. Berger
Bradley D. Pack
Scott Cohen
Engelman Berger, P.C.
3636 N. Central Avenue, #700
Phoenix, Arizona 85012
dwe@engelmanberger.com
snb@engelmanberger.com
bdp@engelmanberger.com
sbc@engelmanberger.com
Atty for: Tempe Land Company

Jeffrey S. Kaufman
5725 N. Scottsdale Rd. No. 190
Scottsdale, AZ 85250
jeff@kaufmanesq.com
Attorneys for Brian H. Butler, As
Trustee of Brian H. Butler, Earl Geller
as Trustee of Martin Hershman Trust

Jon S. Musial
LAW OFFICE OF JON S. MUSIAL
8230 East Gray Road
Scottsdale, Arizona 85260
Jon.Musial@azbar.org

Oxford Investment Partners
2390 East Camelback Road
Suite 202
Phoenix, Arizona 85016

S. Cary Forrester
FORRESTER & WORTH, PLLC
3636 N. Central Ave., #700
Phoenix, Arizona 85012
scf@fwlawaz.com
Attorneys For The Lewis Trust
And The Underwood Trust

Andrew Abraham
Howard C. Meyers
Burch & Cracchiolo
702 E. Osborn Road
Phoenix, AZ 85014
aabraham@bcattorneys.com
hmeyers@bcattorneys.com
Arty for: MCA Financial Group

Jay R. Graif
Jeffrey C. Matura
Erin E. Byrnes
Harper, Christian, Dichter & Graif, P.C.
2700 North Central Ave., #1200
Phoenix, Arizona 85004
jgraif@hcdglaw.com
jmatura@hcdglaw.com
ebyrnes@hcdglaw.com
Attorneys for Jeffrey C. Stone, Inc. d/b/a
Summit Builders

Joel E. Sannes
LAKE & COBB, P.L.C.
1095 W. Rio Salado Pkwy, Suite 206
Tempe, AZ 85281
jsannes@lakeandcobb.com

Grant H. Goodman
GRANT H. GOODMAN, PLLC
4722 N. 24th Street, Suite B-150
Phoenix, AZ 85016
granthgoodman@msn.com

Michael J. Holden
Kenneth Frakes
Holden Willits Murphy, PLC
Two North Central Ave, Ste 1700
Phoenix, Arizona 85004-2396
mholden@holdenwillits.com
kfrakes@holdenwillits.com

Sharon B. Shively
Sacks Tierney P.A.
4250 N. Drinkwater Blvd., 4th
Floor
Scottsdale, AZ 85251-3693
Sharon.Shively@SacksTierney.com

Renee Gerstman
Helen R. Holden
Gerstman Holden PLLC
2999 N. 44th Street, Suite 135
Phoenix, Arizona 85018
renee@gerstmanholden.com
helen@gerstmanholden.com

J. Lawrence McCormley
TIFFANY & BOSCO, P.A.
2525 East Camelback Road,
Third Floor
Phoenix, AZ 850016
jlm@tblaw.com