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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

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

18 This *Second Stipulated Motion to Extend Time to File Motion to Alter or Amend*
19 *Judgment* is entered into by Jennings Strouss & Salmon, P.L.C. ("JSS") and FTI Consulting, Inc.
20 ("FTI"), administrative claimants in these proceedings. Pursuant to the parties' *Stipulated Motion to*
21 *Extend Time to File Motion to Alter or Amend Judgment* filed on September 24, 2009 [DE 2212], JSS
22 and FTI jointly stipulated and agreed to extend the time to October 15, 2009 within which FTI may
23 bring a motion to alter or amend the judgment with respect to the *Order Granting Final Application for*
24 *Allowance of Payment of Compensation and Reimbursement of Expenses of Jennings, Strouss &*
25 *Salmon, P.L.C. for Services Rendered and Expenses Incurred on Behalf of the Debtor* [DE 2164] (the
26 "Order"). The issue of prejudice to FTI as a result of the payment of other administrative claims

1 pursuant to final orders was before the Court on October 8, 2009 as a result of FTI's *Motion to Alter or*
2 *Amend Judgment* [DE 2159] filed on September 8, 2009 (the "Motion"). On October 8, 2009, the Court
3 continued the hearing on the Motion for an indefinite period [DE 2278]. Since the resolution of that
4 matter may eliminate the need for further proceedings with respect to the Order, the parties hereby
5 stipulate and agree to extend the deadline from October 15, 2009 to April 15, 2010. This stipulated
6 motion shall not be construed to affect or impair JSS' right to challenge the procedural grounds or merits
7 of any motion or appeal filed by FTI.

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

12 WHEREFORE, JSS and FTI respectfully request that the Court enter its order extending
13 the time within which FTI may file a motion to alter or amend judgment with respect to the Order to and
14 including April 15, 2010. A proposed form of order is respectfully submitted herewith.

15 DATED this 15th day of October, 2009.

16 SCHIAN WALKER, P.L.C.

17
18 By /s/ MICHAEL R. WALKER, #003484
19 Dale C. Schian
20 Michael R. Walker
21 Attorneys for FTI Consulting, Inc.

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

22
23 By /s/ MICHAEL R. WALKER, w/permission by
24 Carolyn J. Johnsen
25 Attorneys for Administrative Claimant
26

1 COPY of the foregoing
2 e-mailed this 15th day
of October, 2009, to:

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