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16 UNITED STATES BANKRUPTCY COURT
17 DISTRICT OF ARIZONA

18 In re:) In Proceedings Under Chapter 11
19 MORTGAGES LTD.,) Case No.: 2:08-bk-07465-RJH
20 Debtor.) **RESPONSE BY PHILLIP SOLLOMI,**
21) **ET AL., TO ML LIQUIDATING**
22) **TRUST'S OMNIBUS OBJECTION**
23) **TO CLAIMS AND MOTION TO**
24) **EXPUNGE, REDUCE OR**
25) **RECLASSIFY SUCH CLAIMS**
26) **(SCHEDULE G)**

27 COME NOW, Phillip Sollomi, individually and for, and on behalf of, Phillip
28 Sollomi, Phillip A. Sollomi, Jr., Mark T. Sollomi, and Arizona Bank & Trust,
Custodian FBO Phillip A. Sollomi IRA (collectively, "Sollomi"), through the
undersigned counsel of record, and hereby responds and objects to ML Liquidating

1 Trust's Omnibus Objection to Claims and Motion to Expunge, Reduce and
2 Reclassify such Claims (the "Objection") (Dkt #2306). Sollomi asserts that the
3 Objection lacks any foundation, is based on unsubstantiated facts and innuendo,
4 and simply fails to provide any legal justification whatsoever to support an order
5 disallowing and/or expunging the claims listed on Exhibit G to the Objection, and,
6 in particular, the claims asserted by Sollomi.

7
8 Indeed, the Objection fails to provide any rational basis for the disallowance
9 of the claims indentified on Exhibit G to the Objection. While the Objection lists a
10 litany of purported "claims" that ML Liquidating Trust **may** pursue against the
11 identified "insiders" that have properly submitted proofs of claims against the
12 Estate, ML Liquidating Trust fails to identify any specific claim that it would have
13 against the "insiders" or, more particularly, against Sollomi. In fact, ML
14 Liquidating Trust does not even identify one iota of evidence in the Objection that
15 would suggest that ML Liquidating Trust would have any claim against Sollomi.
16 The fact of the matter is that Sollomi has engaged in no wrongdoing and there is no
17 valid justification for disallowing the claims filed by Sollomi.

18 It should be noted that the Debtor has had over a year to conduct any
19 investigation regarding the conduct of all insiders and evaluate whether it would
20 have any claims against such insiders. Indeed, on August 28, 2008, this Court
21 entered its Amended Interim Order Concerning Payment of Interest Collected from
22 Borrowers to Investors (Docket No. 458), which, while disallowing payments to
23 insiders of the Debtor, required the Debtor to hold such payments in a segregated
24 escrow account for the benefit of the insiders. That Order was issued as a result of
25 a compromise reached among most interested parties to permit the Debtor to have
26 additional time to conduct an investigation regarding the conduct of the insiders
27 and to make a determination whether the insiders engaged in any wrongdoing that
28

1 would preclude them from receiving disbursements of funds in which they claimed
2 an interest. Since the issuance of that Order, the Debtor has failed to identify any
3 wrongdoing on the part of Sollomi, which is not surprising since Sollomi has done
4 nothing wrong. Consequently, there is no basis for disallowing Sollomi's claims.

5 Sollomi respectfully submits that ML Liquidating Trust's Objection, as it
6 relates to Schedule G, and, more particularly, as it relates to the claims filed by
7 Sollomi, be rejected in its entirety. In the event that this Court is not inclined to
8 completely reject ML Liquidating Trust's Objection, Sollomi requests an
9 opportunity to heard before any Order is made that would disallow and/or reject
10 the claims submitted by Sollomi.
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13 Dated: November 25, 2009

Respectfully submitted,
OSBORN MALEDON, P.A.

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15
16 By /s/ Warren J. Stapleton (#018646)
17 Warren J. Stapleton
18 John L. Blanchard

19 REEDER, LU & GREEN, LLP
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Attorneys for Phillip Sollomi

22 Copies of the foregoing sent
23 via e-mail to parties listed on the
24 attached service list.

25
26 /s/N. Ewing _____

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