

1 Stradley Ronon Stevens & Young, LLP
Michael D. O'Mara, Esquire
2 Nicholas M. Orloff, Esquire
2600 One Commerce Square
Philadelphia, PA 19103
3 Tel. (215) 564-8000
Fax (215) 564-8120

4 *Attorneys for Kevin T. O'Halloran,*
5 *Trustee of the ML Liquidating Trust*

6 UNITED STATES BANKRUPTCY COURT
7 DISTRICT OF ARIZONA

8 In re:

9 MORTGAGES LTD.,

10 Debtor.

No. 2-08-bk-07465-RJH

CHAPTER 11

**JOINDER OF LIQUIDATING TRUST TO
ML MANAGER'S EMERGENCY MOTION
FOR ORDER CONTINUING DEADLINES
AND HEARING IN THE FTI FEE
APPLICATION MATTER**

13 Kevin T. O'Halloran, Trustee of the Liquidating Trust of Mortgages, Ltd. ("Liquidating Trust"),
14 by and through its counsel Stradley Ronon Stevens & Young, LLP, hereby joins in and incorporates by
15 reference the ML Manager's Emergency Motion for Order Continuing Deadlines and Hearing in the FTI
16 Fee Application matter (the "Motion") [Docket No. 2467].

18 In addition to the reasons set forth in the Motion, the Liquidating Trust also requests a
19 continuance on the grounds that FTI Consulting, Inc. ("FTI") has not yet produced documents that have
20 been requested. Although FTI has produced some, but not all, of its work papers to a law firm
21 representing the Liquidating Trust, FTI unilaterally selected those documents. As evidenced by the
22 attached e-mails, the Liquidating Trust requested a complete copy of FTI's work product on the
23 Mortgages, Ltd. case. See e-mails attached hereto as Exhibit A. As the client, the Liquidating Trust was
24 entitled to prompt delivery of the work product without need for a formal discovery request. However,
25
26

1 the requested materials have not been produced to date. FTI will not agree to produce these documents
2 until December 8, 2009, the deadline for responding to a formal discovery request propounded by ML
3 Manager.

4 DATED this 1st day of December, 2009.

5 STRADLEY RONON STEVENS & YOUNG, LLP
6

7 By: /s/ Nicholas M. Orloff

8 Michael D. O'Mara

9 Nicholas M. Orloff

10 Lead Counsel for Kevin T. O'Halloran, Trustee
11 for the Liquidating Trust of Mortgages, Ltd.
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EXHIBIT A

O'Mara, Michael

From: Nechelle Wimmer [NWimmer@mtgltd.com]
Sent: Friday, November 20, 2009 11:37 AM
To: Harvick, Chas
Subject: FW: FTI Work Product
Attachments: Work product

Chas –

Please see the e-mail below from your counsel and advise as to when we can expect to receive the full work product I requested via e-mail 11-09-2009.

Thanks!

Nechelle Wimmer

NWimmer@mtgltd.com
P: 623.234.9564
C: 602.540.1502
F: 623.234.9575

ML Servicing Co
14050 N 83rd Ave. Suite 180
Peoria, Arizona 85381

www.mtgltd.com

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From: HENDRICKS, KEITH [mailto:KHENDRIC@FCLAW.com]
Sent: Thursday, November 19, 2009 6:57 PM
To: Nechelle Wimmer; Mark Winkleman; GREER, JOSH
Subject: Fw: FTI Work Product

FENNEMORE CRAIG

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From: Dale Schian <dschian@swazlaw.com>
To: HENDRICKS, KEITH

12/1/2009

Cc: SHELLEY, GERALD; REECE, CATHY; GREER, JOSH; Michael Walker <mwalker@swazlaw.com>
Sent: Thu Nov 19 17:00:32 2009
Subject: FTI Work Product

Hi Keith: I hope that notwithstanding our exchanges over document issues, Nechelle and the other employees feel at liberty to request documents and information directly from FTI. It has come to my attention that the Nov 3 Newsletter (#5) indicated that Simon Consulting and Jim Sell are being retained to analyze the financial status of borrowers and guarantors. FTI has already done much of that analysis. It has approximately a dozen notebooks containing its research and analysis that it has already photocopied anticipating that someone will need them. They can be made available immediately. Just let us know who wants them.
Dale

Dale Schian
Schian Walker, P.L.C.
3550 N. Central Ave.
Suite 1700
Phoenix AZ 85012
(602) 277-1501
SchianWalker.com

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O'Mara, Michael

From: Nechelle Wimmer [NWimmer@mtgltd.com]
Sent: Monday, November 09, 2009 11:59 AM
To: Harvick, Chas
Subject: Work product

Chas-

I am e-mailing you as a follow up to our earlier phone conversation. Can you please produce a complete copy of the FTI work product for the Mortgages Ltd. case and send to me at: 14050 N. 83rd Avenue, Suite 180 Peoria, AZ 85381? I am requesting this on behalf of the liquidating trustee.

Thanks for your help and let me know if you have any questions!

Nechelle Wimmer

NWimmer@mtgltd.com
P: 623.234.9564
C: 602.540.1502
F: 623.234.9575

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