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2 **UNITED STATES BANKRUPTCY COURT**
3 **IN AND FOR THE DISTRICT OF ARIZONA**
4

5 **MORTGAGES LTD.,**) **Chapter 11 proceedings**
6) **Case No. 2:08-bk-07465-RJH**
7) **ORDER RE SETTLEMENT**
8 **Debtor.**) **CONFERENCE**
9

10 Counsel for ML Manager LLC, Keith L. Hendricks, having requested mediation of
11 objections to FTI Fee Application and having advised all parties by email dated December 8,
12 2009, and no objection having been filed,

13 **THEREFORE, IT IS ORDERED** as follows:

14 1. Further scheduling of matters will be deferred until completion of the procedures
15 set forth in this Order.

16 2. Each of the parties is directed to hand-deliver or telecopy (Fax #: (602) 682-4225)
17 to this Court's Chambers, and all other parties by **11 a.m. on Friday, December 11, 2009**, a
18 statement as to whether it is willing to participate in good faith in a court-supervised settlement
19 conference.

20 3. If all parties agree to a settlement conference pursuant to Paragraph 1 hereof, each
21 of the parties is directed to hand-deliver or telecopy (Fax #: (602) 682-4225) to this Court's
22 Chambers, by **5:00 p.m. on Friday, December 11, 2009**, a statement as to whether or not such
23 party consents to this Court's acting as settlement judge. The notice is **not** to be delivered to the
24 other parties. The notices will be reviewed only by this Court's staff. If any party objects, the
25 matter will be referred automatically to another judge for settlement purposes. Staff will not
26 inform this Judge of which party objected but only that an objection has or has not been filed.

27 4. If you are not contacted by this Court as to any objection being filed by 10:00 a.m.
28 on Monday, December 14, 2009, in accordance with Paragraph 3 above, a settlement conference

1 will be scheduled on **Wednesday December 16, 2009, at 1:30 p.m.**

2 5. All parties shall appear at the settlement conference with counsel and with a
3 representative of each party authorized to resolve the issues in this case.

4 6. The parties are required to exchange written settlement proposals no later than
5 **12:00 o'clock noon on Tuesday, December 15, 2009.**

6 7. The parties are required to hand-deliver or telecopy (Fax #: (602) 682-4224) to
7 Chambers, 230 North First Avenue, 6th Floor, Phoenix, Arizona, no later than **12 o'clock noon**
8 **on Tuesday, December 15, 2009**, a short statement addressing the following issues:

- 9 a) A brief description of the dispute to be resolved;
- 10 b) An explanation of what impediments, if any, exist to a satisfactory
11 settlement of the issues among these parties;
- 12 c) A statement of the terms upon which such party would be willing to settle
13 the outstanding issues in the case, including, but not limited to, a copy of
14 the written settlement proposal exchanged pursuant to this Order;
- 15 d) Any proposals for particular settlement or dispute resolution techniques that
16 ought to be used by the Court;
- 17 e) What time constraints, if any, exist which may impact on the reaching of
18 a satisfactory settlement; and
- 19 f) A direction to the Court of which portions, if any, of the file should be
20 reviewed prior to the conference.

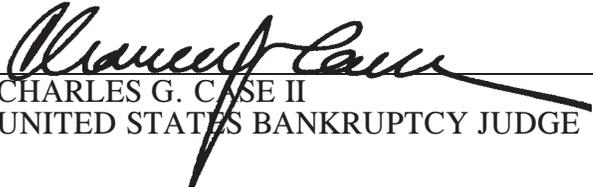
21 8. The foregoing Statements shall **not** be filed with the Clerk of the Court and shall
22 **not** be served on the other parties. These are for the Court's review only and shall remain
23 confidential. The parties are urged to be **fully candid and forthright** in their assessment of the
24 present situation.

25 9. If the proposed schedule is unsatisfactory for any reason, the parties should first
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1 confer with each other and thereafter contact the Court's staff which will thereafter set up a
2 telephonic conference with the Court to resolve the scheduling issue.

3 **IT IS SO ORDERED.**

4 **DATED:** December 10, 2009

5
6 
7 CHARLES G. CASE II
8 UNITED STATES BANKRUPTCY JUDGE

9 **COPY** of the foregoing emailed
10 this 10th day of December 2009, to:

11 Keith Hendricks
12 Cathy Reece
13 Fennemore Craig P.C.
14 kendric@fclaw.com
15 Attorneys for ML Manager LLC

16 Shelton Freeman
17 Deconcini McDonald Yetwin & Lacy PC
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19 Attorneys for Debtor

20 Michael D. O'Mara
21 Stradley Ronon Stevens & Young, LLP
22 MO'Mara@STRADLEY.COM
23 Attorneys for Kevin T. O'Halloran, in his capacity as Trustee of the
24 Liquidating Trust of Mortgages, Ltd.

25 Dale C. Schian
26 Michael Walker
27 Schian Walker, P.L.C.
28 dschian@swazlaw.com
Attorneys for FTI Consulting, Inc.

Notice Recipients

District/Off: 0970-2
Case: 2:08-bk-07465-RJH

User: dunbars
Form ID: pdf008

Date Created: 12/10/2009
Total: 5

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TOTAL: 3

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