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9 Lead Counsel for Kevin T. O'Halloran,
10 Trustee of ML Liquidating Trust

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

14 In re:

15 MORTGAGES LTD., an Arizona
16 corporation,
17 Debtor.

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

20 **MOTION FOR EXPEDITED HEARING**
21 **ON LIQUIDATING TRUST'S MOTION**
22 **FOR STAY PENDING APPEAL**

23 Kevin T. O'Halloran, Trustee of the Liquidating Trust of Mortgages, Ltd. ("Liquidating Trust"),
24 by and through his counsel, files this request for an expedited hearing on the Liquidating Trust's Motion
25 for Stay Pending Appeal (the "Stay Motion") filed contemporaneously herewith. As detailed in the Stay
26 Motion, on December 17, 2009, this Court entered the Order Granting Radical Bunny's Administrative
Claim for Substantial Contribution [Docket # 2514] (the "Order Granting"), which incorporated the
Bankruptcy Court's December 21, 2009 Order Approving Allowance & Payment of Substantial
Contribution Claim Pursuant to 11 U.S.C. § 503(b)(3)(D) and (4) [Docket # 2521] (the "Order
Approving") (collectively, the "Orders"). The Order Approving, which becomes final on or about
January 4, 2010, directs the Liquidating Trust to make an immediate payment in the amount of

1 \$595,798.25 (the "Fee Award") to DeConcini McDonald Yetwin & Lacy, P.C. ("RB Counsel"), as
2 counsel for Radical Bunny, LLC ("Radical Bunny").

3 For all the reasons stated in the Stay Motion, the Liquidating Trust seeks to stay enforcement of
4 the Orders until its Notice of Appeal ("Appeal") [Docket # 2529] has been determined by the
5 Bankruptcy Appellate Panel for the Ninth Circuit. However, RB Counsel has indicated that, if it does
6 not receive payment of the Fee Award by December 31, 2009, which is before the Order Approving
7 even becomes final, it will "be pursuing remedies" against the Liquidating Trust. (See E-mail from RB
8 Counsel, attached hereto as Exhibit A). Given the threat of imminent execution on the Fee Award from
9 RB Counsel – though the Liquidating Trust believes that immediate execution would not be appropriate
10 – the Liquidating Trust requests that this Court (i) schedule an expedited hearing on the Motion on or
11 before January 4, 2010; and (ii) impose a temporary stay of execution on the Fee Award until a hearing
12 on the Motion is held and a decision rendered.
13

14 WHEREFORE, the Liquidating Trust respectfully requests that his Court issue an Order,
15 substantially in the form attached hereto as Exhibit B.

16 RESPECTFULLY SUBMITTED this 30th day of December, 2009.

17 STRADLEY RONON STEVENS & YOUNG, LLP
18

19 By: /s/ Mark J. Dorval
20 Mark J. Dorval, Esquire
21 Nicholas M. Orloff, Esquire
22 Lead Counsel for Kevin T. O'Halloran,
23 Trustee for the Liquidating Trust
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EXHIBIT A

Dorval, Mark

From: Shelton Freeman [TFreeman@lawdmyl.com]
Sent: Tuesday, December 29, 2009 6:54 PM
To: Dorval, Mark
Subject: RE:

Mark, I am in on Thursday but pretty crazed that day. I could probably fit in a call about 10:30 AZ time. I guess I will just let you know that I will be pursuing remedies if payment isn't received by Thursday. I was hoping for a peaceful resolution but apparently you and Cathy (and/or your clients) have a different agenda.

Tony Freeman

DeConcini McDonald Yetwin & Lacy, P.C.

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EXHIBIT B

1 IT IS FURTHER ORDERED that the Liquidating Trust shall immediately serve a copy of this
2 Order on all interested parties and file a Certificate of Service for Same.

3 **ORDERED, DATED AND SIGNED AS ABOVE.**
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1 COPY of the foregoing ORDER to be served upon:

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10 Committee of Radical Bunny, LLC

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larry.watson@usdoj.gov

CERTIFICATE OF SERVICE

I, Nicholas M. Orloff, certify, that on December 30, 2009, I electronically transmitted the attached documents to the Clerk's Office, using the CM/ECF System for filing, which transmitted a Notice of Electronic Filing to the parties in interest via the Court's ECF System, and also served a copy of the documents on the following parties via e-mail:

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/s/Nicholas Orloff
Nicholas Orloff