

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In Re

Chapter

Case No.

Adv. No.

Debtor(s)

BAP No.

Appellant(s)

v.

**MEMO TO BANKRUPTCY APPELLATE
PANEL OF THE NINTH CIRCUIT RE:
STATUS OF CERTIFICATE OF READINESS**

Appellee(s)

TO: Clerk, US Bankruptcy Appellate Panel of the Ninth Circuit, 125 S. Grand Ave, Pasadena, CA 91105

Please be advised that as of date:

The Designation of Record is on file.
The Designation of Record is not on file.

The Statement of Issues is on file.
The Statement of Issues is not on file.

A transcript has been designated and the reporters transcript is on file.
A transcript has been designated and the reporters transcript is not on file.

A transcript has been designated and the designating party has filed a request for transcript.
A transcript has been designated and the designating party has not filed a request for transcript.

Other:

Dated:

CLERK OF COURT

By: _____
Deputy Clerk

1 Mark J. Dorval, Esquire
2 Stradley Ronon Stevens & Young, LLP
3 2600 One Commerce Square
4 Philadelphia, PA 19103
5 Telephone: 215.564.8000
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7 Counsel for the ML Liquidating Trust

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

12 In re:

13 MORTGAGES LTD., an Arizona
14 corporation,

15 Debtor.

16 Proceedings Under Chapter 11

17 Case No. 2:08-bk-07465-RJH

18 **APPELLANTS' DESIGNATION OF**
19 **RECORD AND STATEMENT OF**
20 **ISSUES TO BE PRESENTED ON**
21 **APPEAL**

22 **(Re Docket No. 3058, 3102)**

23 The ML Liquidating Trust of Mortgages, Ltd. ("Liquidating Trust" or "Appellant"), pursuant to
24 Federal Rule of Bankruptcy Procedure 8006, hereby submits its statement of issues to be presented on
25 appeal and its designation of items to be included in the record on appeal.

26 **I. STATEMENT OF ISSUES PRESENTED ON APPEAL**

Appellants present the following issues on appeal:

1. Whether the Bankruptcy Court committed an error of law or an abuse of discretion in granting the Supplemental Application of Radical Bunny LLC Pursuant to 11 U.S.C. § 503 (b)(3)(D) and (4) for Allowance and Payment of Administrative Claim of Creditor Radical Bunny, LLC [Docket No. 3021] (the "Supplemental Application") and awarding counsel for Radical Bunny, L.L.C. ("RBLLC") supplemental fees and expenses in the amount of \$128,763.50, including, without limitation:

1 a. Whether the Bankruptcy Court committed an error of law or an abuse of
2 discretion in awarding such fees and expenses for time spent litigating an appeal to the United States
3 Bankruptcy Appellate Panel of the Ninth Circuit on which RBLLC was unsuccessful.

4 b. Whether the Bankruptcy Court committed an error of law or an abuse of
5 discretion in awarding fees and expenses for time spent litigating a claim in bankruptcy court without
6 properly establishing a record thus requiring the matter to be remanded and re-litigated.

7 c. Whether the Bankruptcy Court committed an error of law or an abuse of
8 discretion in awarding such fees and expenses on an expedited basis without allowing the parties time to
9 conduct discovery or present evidence regarding the reasonableness of the fees sought in the
10 Supplemental Application.

11 d. Whether the Bankruptcy Court committed an error of law or an abuse of
12 discretion in its application of the legal standard of the United States Circuit Court for the Ninth Circuit
13 to fee awards for professionals.

14 e. Whether the Bankruptcy Court committed an error of law or an abuse of
15 discretion in finding that claimant's actions in prosecuting its appeal conveyed a benefit to the estate that
16 outweighed the benefit to the substantial contribution claimant without evidence of (i) the value of any
17 benefit to the estate or the claimant or (ii) the associated costs of claimant's detrimental actions.

18 f. Whether the Bankruptcy Court committed an error of law or an abuse of
19 discretion in finding that claimant's actions in litigating a claim in bankruptcy court without properly
20 establishing a record thus requiring the matter to be remanded and re-litigated conveyed a benefit to the
21 estate that outweighed the benefit to the substantial contribution claimant without evidence of (i) the
22 value of any benefit to the estate or the claimant or (ii) the associated costs of claimant's detrimental
23 actions.

24 2. Whether the Bankruptcy Court committed an error of law or an abuse of discretion in
25 determining that the Supplemental Application was ripe for determination when the prior fee application
26 order upon which the Supplemental Application was based was then pending appeal.

3. Whether the Bankruptcy Court committed an error of law or an abuse of discretion in
determining that it had jurisdiction to grant the relief sought in the Supplemental Application when such
decision altered an order then pending appeal.

1 **II. DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD**

2 Appellant designates the following items for inclusion in the record on appeal. Such designation
3 of pleadings and matters of record includes all exhibits attached or referred to in the pleadings or matters
4 of record.

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DOCKET NO.	DATE ENTERED	DOCUMENT DESCRIPTION
--	--	Copy of the Bankruptcy Court Docket for Case No. 2:08-07465-RJH
1297	1/21/09	Chapter 11 Plan The Official Committee of Investors' Plan of Reorganization Dated January 21, 2009 filed by Official Committee of Investors
1298	1/21/09	Disclosure Statement in Support of The Official Committee of Investors' Plan of Reorganization Dated January 21, 2009 filed by Official Committee of Investors
1468	3/13/09	First Amended Chapter 11 Plan The Official Committee of Investors' First Amended Plan of Reorganization dated March 12, 2009 filed by Official Committee of Investors (related document(s) <u>1297</u> Chapter 11 Plan)
1471	3/13/09	Amended Disclosure Statement in Support of the Official Committee of Investors' First Amended Plan of Reorganization Dated March 12, 2009 Without Exhibits filed by Official Committee of Investors (related document(s) <u>1468</u> Amended Chapter 11 Plan)
1474	3/13/09	Notice of Filing Exhibit 1 to Investors Committee's First Amended Plan of Reorganization and Exhibit E to Investors Committee's Amended Disclosure Statement filed by Official Committee of Investors (related document(s) <u>1468</u> Amended Chapter 11 Plan, <u>1471</u> Amended Disclosure Statement)
1531	4/6/09	Amended Disclosure Statement In Support of The Official Committee of Investors' First Amended Plan of Reorganization Dated March 12, 2009 filed by Official Committee of Investors
1532	4/6/09	First Amended Chapter 11 Plan of Reorganization Dated March 12, 2009 filed by Official Committee of Investors

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1	1556	4/14/09	Motion to Determine Motion Under Bankruptcy Rule 3013 To Determine If Classification And
2			Treatment Of Claims In Classes 9, 11C, 11D And 11E Is Appropriate In The Official Committee
3			Of Investors First Amended Plan Of Reorganization filed by G. Grant Lyon, Chapter 11 Trustee
4			for Radical Bunny, LLC
5	1558	4/14/2009	Exhibit Appendix Of Exhibits In Support Of Motion Under Bankruptcy Rule 3013 To Determine
6			If Classification And Treatment Of Claims In Classes 9, 11C, 11D And 11E Is Appropriate In The
7			Official Committee Of Investors First Amended Plan Of Reorganization filed by G. Grant Lyon,
8			Chapter 11 Trustee for Radical Bunny, LLC (related document(s) <u>1556</u> Motion to Determine)
9	1576	4/16/09	Motion to Join Radical Bunny's: (I) Joinder In Objection And Motion Filed By The Grace Entities
10			At Docket No. 1562; (II) Objection To Proof Of Claim No. 1817 Filed By The VTL Fund; And
11			(III) Motion For Temporary Allowance Of Claims In Class 9 And Class 11D At \$0 For Purposes
12			Of Voting To Accept Or Reject The Official Committee Of Investors First Amended Plan Of
13			Reorganization filed by G. Grant Lyon, Chapter 11 Trustee for Radical Bunny, LLC (related
14			document(s) <u>1562</u> Objection to Claim).
15	1610	4/29/09	Motion to Determine Proper Classification and Treatment of "Radical Bunny LLC" Claims in the
16			Official Committee of Investors' First Amended Plan filed by Robert G. Furst.
17	1624	5/4/09	Response to Motion/Application Investors Committee's Response to Radical Bunny's Motion
18			Under Bankruptcy Rule 3013 to Determine if Classification and Treatment of Claims in Classes 9,
19			11C, 11D and 11E is Appropriate in the Official Committee of Investors' First Amended Plan of
20			Reorganization (related to motions(s) <u>1556</u>) filed by Official Committee of Investors (related
21			document(s) <u>1556</u> Motion to Determine)
22	1625	5/4/09	Response to Motion/Application to Determine if Classification and Treatment of Claims is
23			Appropriate (related to motions(s) <u>1556</u>) filed by Official Committee Of Investors In The Value-
24			To-Loan Opportunity Fund I L.L.C. (related document(s) <u>1556</u> Motion to Determine).
25	1637	5/5/09	Notice of Errata Regarding Investors Committee's Response to Radical Bunny's Motion Under
26			Bankruptcy Rule 3013 to Determine if Classification and Treatment of Claims in Classes 9, 11C,
			11D and 11E is Appropriate in the Official Committee of Investors' First Amended Plan of
			Reorganization filed by Official Committee of Investors (related document(s) <u>1624</u> Response)

1	1643	5/5/09	Objection Radical Bunny's Objections to Confirmation of the Official Committee of Investors' First Amended Plan of Reorganization filed by G. Grant Lyon, Chapter 11 Trustee for Radical Bunny, LLC (related document(s) <u>1532</u> Amended Chapter 11 Plan).
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3	1663	5/6/09	Response to Radical Bunny's: (I) Joinder in Objection and Motion filed by the Grace Entities at Docket 1562, (II) Objection to Proof of Claim No. 1817 filed by the VTL Fund, and (III) Motion for Temporary Allowance of Claims in Class 9 and Class 11D at \$0 for Purposes of Voting to Accept or Reject the Official Committee of Investors' First Amended Plan of Reorganization filed by Official Committee of Investors (related document(s) <u>1576</u> Motion to Join)
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8	1670	5/7/09	Objection to Motion/Application of Radical Bunny, LLC's Rule 3013 Motion to Determine Property Classification and Treatment of Rev-Op Investor Claims (related to motions(s) <u>1582</u>) filed by Mortgages Ltd. (related document(s) <u>1582</u> Motion to Determine)
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11	1671	5/7/09	Joint Objection to Motion/Application Radical Bunny's Bankruptcy Rule 3013 Motion (related to motions(s) <u>1556</u>) filed by Rev Op Group (related document(s) <u>1556</u> Motion to Determine)
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13	1673	5/7/09	Response to Radical Bunny, LLC's Motion under Bankruptcy Rule 3013 to Determine Proper Classification and Treatment of "Rev Op Investor" Claims in the Official Committee of Investors' First Amended Plan of Reorganization filed by Official Committee of Investors (related document(s) <u>1582</u> Motion to Determine)
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16	1674	5/7/09	Joinder WMS Fund Management, LLC and WMS Fixed Income Fund I LLC's Joinder in Objections to Radical Bunny's Bankruptcy Rule 3013 Motion filed by WMS Fixed Income Fund I LLC, WMS Fund Management, LLC.
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19	1701	5/11/09	Objection to Proofs of Claim Numbers 33-1, as Amended by Number 33-2, Filed by Radical Bunny, L.L.C. filed by Official Committee of Investors
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21	1711	5/12/09	Objection Radical Bunny's Objection to Motion to Determine Classification and Treatment of Radical Bunny's Claim filed by G. Grant Lyon, Chapter 11 Trustee for Radical Bunny, LLC (related document(s) <u>1610</u> Motion to Determine)
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1721	5/13/09	<p>Minutes of Hearing held on: 05/13/2009</p> <p>Subject: Evidentiary hearing on confirmation of Investors Committee's Plan and Radical Bunny's Motion Under BK Rule 3013 To Determine If Classification & Treatment of Claims in Classes 9, 11C, 11D And 11E Is Appropriate In The Official Committee of Investors' First Amended Plan and Expedited Hearing on Grace Entities 1) Omnibus Objection To Proofs Of Claims Filed By Mortgages Ltd On Behalf Of MP Funds; and 2) Motion to Temporarily Allow Such Claims & All Claims Filed by Similarly Situated Investors at \$0 For The Purpose of Accepting or Rejecting The Investors Committee's First Amended Plan and Radical Bunny's 1) Joinder In Objection & Motion Of Grace Entities (DKT 1562; 2) Objection to Proof of Claim No 1817 Filed by the VTL Fund and 3) Motion For Temporary Allowance of Claims in Class 9 & Class 11D AT \$0 For Purposes of Voting to Accept or Reject the Investors Comm First Amended Plan and Motion to Determine Proper Classification & Treatment of Rev OP Investor Claims in the Investors Committee's First Amended Plan Filed Radical Bunny and Hearing on Debtor's Disclosure Statement and Debtor's Motion for Approval of Insurance Premium Finance Agreements (related document(s) 1532 , 1556 , 1560 , 1562 , 1582 , 1584)</p>
1725	5/14/09	<p>Notice of Filing Radical Bunny's List Of Witnesses And Exhibits In Opposition To Confirmation Of The Official Committee Of Investors First Amended Plan Of Reorganization filed by G. Grant Lyon, Chapter 11 Trustee for Radical Bunny, LLC (related document(s) 1722 Order Continuing/Rescheduling).</p>

1	1727	5/14/09	Minutes of Hearing held on: 05/14/2009
2			Subject: Radical Bunny's Motion Under BK Rule 3013 To Determine if Classification &
3			Treatment of Claims in Classes 9, 11C, 11D AND 11E Is Appropriate in the Official Committee
4			of Investors' First Amended Plan and Evidentiary Hearing Re: Motion To Approve Settlement
5			Between Mortgages Ltd., S.M. Coles LLC And Secured Capital Management Co., LLC Filed By
6			Debtor and Evidentiary Hearing Re: Motion to Approve Settlement Between Mortgages Ltd. and
7			S.M. Coles, LLC Filed By Debtor and Hearing on Debtor's Disclosure Statement And Radical
8			Bunny's 1) Joinder in Objection & Motion of Grace Entities (DKT 1562; 2) Objection to Proof of
9			Claim No 1817 Filed by the VTL Fund and 3) Motion For Temporary Allowance of Claims in
10			Class 9 & Class 11D at \$0 For Purposes of Voting to Accept or Reject the Investors Committees
11			Amended Plan and Motion to Determine Proper Classification & Treatment of Rev OP Investor
12			Claims in the Investors Committee's First Amended Plan Filed Radical Bunny.
13			(related document(s) 1556 , 1582 , 1584 , 1631 , 1634)
14	1732	5/15/09	Objection Radical Bunny's Objection To Emergency Motion To Authorize The Sale Of Certain
15			Real Property Outside The Ordinary Course Of Business Pursuant To 11 U.S.C. § 363(b)(f) filed
16			by G. Grant Lyon, Chapter 11 Trustee for Radical Bunny, LLC (related document(s) 1626 Motion
17			to Approve Sale))
18	1755	5/20/09	ORDER Confirming Investors Committee's First Amended Plan of Reorganization dated March
19			12, 2009 signed on 5/20/2009 (related document(s) 1532 Amended Chapter 11 Plan)
20	1888	7/6/09	Application for Administrative Expenses Pursuant to 11 U.S.C. Section 503(b)(3)(D) and (4) for
21			Allowance and Payment of Administrative Claim of Creditor Radical Bunny filed by G. Grant
22			Lyon, Chapter 11 Trustee for Radical Bunny, LLC
23	1995	7/21/09	Objection to Application for Attorney or Other Professional Fees Omnibus Objection to Fee
24			Applications of Fennemore Craig, Alvarez and Marsal, and Radical Bunny, LLC (related to
25			motions(s) 1879) filed Jennings, Strouss & Salmon.
26	2014	7/27/09	Omnibus Objection to Motion/Application Pursuant to 11 U.S.C. Section 503(B)(3)(D) and (4) for
			Allowance and Payment of Administrative Claims of Creditors Radical Bunny, The Lewis Trust
			and The Rev Op Group by Liquidating Trust (related to motions(s) 1888) filed by Kevin T.
			O'Halloran

1	2027	7/28/09	Reply Radical Bunny, L.L.C.'s Reply to Omnibus Objection of Liquidating Trust to Applications
2			Pursuant to 11 U.S.C. § 503(b)(3)(D) and (4) For Allowance and Payment of Administrative
3			Claims, filed by G. Grant Lyon, Chapter 11 Trustee for Radical Bunny, LLC (related document(s)
4			<u>1888</u> Application for Administrative Expenses, <u>2014</u> Objection)
5	2028	7/28/09	Reply Radical Bunny, L.L.C.'s Reply To Omnibus Objection To Fee Applications Filed by
6			Jennings Strouss & Salmon filed by G. Grant Lyon, Chapter 11 Trustee for Radical Bunny, LLC
7			(related document(s) <u>1888</u> Application for Administrative Expenses, <u>1995</u> Objection to
8			Application for Attorney or Other Professional Fees)
9	2049	8/6/09	Notice of Filing Supplement to Objection of G. Grant Lyon, Chapter 11 Trustee for Radical
10			Bunny, L.L.C. To Application for Administrative Expenses for Attorneys Fees and Costs Filed By
11			Douglas F. Behm Of Douglas F. Behm, PLLC On Behalf Of Douglas Frederick Behm, & To
12			Application for Allowance of Administrative Claim Filed by Feder Law Office, P.A., & To
13			Request for Payment of Allowed Administrative Claim of Roshka DeWulf, & To Application for
14			Allowance of Administrative Claim Filed by Law Offices of Thomas J. Marlowe, & To
15			Application for Allowance and Payment of Administrative Expense Filed By Mariscal, Weeks,
16			McIntyre & Friedlander, P.A., & To Application For Allowance And Payment of Administrative
17			Expense Filed by Gallagher & Kennedy, P.A., & To Notice of Administrative Claim Filed by
18			Jaburg & Wilk, P.C., & To the Second Notice of James J. Belanger's Statement of Fees and Costs
19			Incurred by Counsel for Christopher Olson, Veronica Sas, Michelle [SIC] Wemmer, and Richard
20			Feldheim, and Request for Payment, Filed by Coppersmith Schermer & Brockelman, PLC filed by
21			G. Grant Lyon, Chapter 11 Trustee for Radical Bunny, LLC (related document(s) <u>2001</u> Objection
22			to Application for Attorney or Other Professional Fees)
23	2088	8/14/09	Supplemental Memorandum of Radical Bunny, L.L.C. Regarding Effect of Change of
24			Management and Counsel on Application Pursuant to 11 U.S.C. Section 503(b)(3)(D) and (4) for
25			Allowance and Payment of Administrative Claim filed by G. Grant Lyon, Chapter 11 Trustee for
26			Radical Bunny, LLC. (related document(s) <u>1888</u> Application for Administrative Expenses)

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2112	8/19/09	<p>Minutes of Hearing held on: 08/19/2009</p> <p>Subject: Motion to Set Aside Default Filed by ML Manager and Plaintiffs' Motion for Remand and Mortgages Investors' Amended Motion for Attorneys Fees and Mortgages Investors' Amended Motion for Attorneys Fees and First & Final Application for Allowance & Payment of Fees & Expenses Incurred by Fennemore Craig as Counsel for the Investors Committee and First & Final Application for Allowance & Payment of Fees & Expenses Incurred by Alvarez & Marsal Dispute Analysis & Forensic Services and Application for Allowance & Payment o Administrative Expense of Fennemore Craig for Representation of the Unofficial Investors Committee and Application for Allowance & Payment of Administrative Expense of Alvarez & Marsal for Professional Services Rendered to the Unofficial Investors Committee and Application for Allowance & Payment of Administrative Claim a& Expenses of Creditor Radical Bunny and Final Application for Approval, Allowance & Payment of Fees & Expenses Incurred by the Paul G. Johnson Company for Services on Behalf of the debtor and Douglas Behm's Application for Allowance of Administrative Claim for Attorneys Fees & Costs and Final Fee Application of MC Financial Group Ltd. As Financial Advisor to Debtor.</p> <p>(related document(s) 1814 , 1879 , 1880 , 1881 , 1882 , 1888 , 1889 , 1953)</p>
2191	9/17/09	<p>Minutes of Hearing held on: 09/17/2009</p> <p>Subject: Debtor's Objection to Defendant's Motion to Dismiss Complaint for Breach of Guaranty and Debtor's Objection to 70th Street Property's Motion to Dismiss Complaint for Objection To proof of Claim and Debtor's Objection to Defendant's Motion to Dismiss Complaint for Breach of Guaranty and Debtor's Objection to Portales Place Property's Motion to Dismiss Complaint for Objection to Proof of Claim and the Lewis Trust's Application for Allowance & Payment of Administrative Expense Claim & Objection Thereto and Application for Administrative Expense Claim of the Rev OP Group and Application for Compensation of FTI Consulting as Financial Advisors to the Debtor and Motion to Ratify 401(k) Plan Appointments & Define the Liquidating Trustee's Role and Application for Allowance & Payment of Administrative Claim & Expenses of Creditor Radical Bunny.</p> <p>(related document(s) 1885 , 1886 , 1888 , 1896 , 2115)</p>
2229		<p>Transcript of Hearing held on 5/13/09</p>

1	2377	11/7/09	Notice of Lodging Proposed Order Stipulated Order Extending Briefing Deadline filed by G.
2			Grant Lyon, Chapter 11 Trustee for Radical Bunny, LLC (related document(s) <u>1888</u> Application
3			for Administrative Expenses)
4	2395	11/12/09	Statement of Facts Joint Statement of Material Facts of Radical Bunny and Liquidating Trust For
5			Application Pursuant to 11 U.S.C. § 503(b)(3)(D) and (4) For Allowance and Payment of
6			Administrative Claim of Creditor Radical Bunny filed by G. Grant Lyon, Chapter 11 Trustee for
7			Radical Bunny, LLC (related document(s) <u>1888</u> Application for Administrative Expenses, <u>2014</u>
8			Objection, <u>2027</u> Reply, <u>2088</u> Memorandum)
9	2396	11/12/09	Brief In Further Support of the ML Liquidating Trust Objection to the Application for Allowance
10			and Payment of Administrative Claims of Creditor Radical Bunny, LLC filed by Kevin T.
11			O'Halloran. (related document(s) <u>2014</u> Objection, <u>2027</u> Reply)
12	2397	11/12/09	Notice of Withdrawal of Application for Administrative Expense Claim of the Rev Op filed by
13			Rev Op Group (related document(s) <u>1885</u> Application for Administrative Expenses)
14	2398	11/12/09	Memorandum Radical Bunny's Prehearing Memorandum in Support of Application Pursuant to 11
15			U.S.C. Section 503(b)(3)(D) and (4) for Allowance and Payment of Administrative Claim of
16			Creditor Radical Bunny filed by G. Grant Lyon, Chapter 11 Trustee for Radical Bunny, LLC.
17			(related document(s) <u>1888</u> Application for Administrative Expenses)
18	2400	11/13/09	Notice of Withdrawal of The Lewis Trust's Application for Allowance and Payment of
19			Administrative Expense Claim Pursuant to Section 503(b) of the Bankruptcy Code filed by The
20			Lewis Trust (related document(s) <u>1886</u> Application for Administrative Expenses).
21	2407	11/16/09	Supplemental Statement of Facts of Radical Bunny and Liquidating Trust for Application
22			Pursuant to 11 U.S.C. Section 503(b)(3)(D) and (4) for Allowance and Payment of Administrative
23			Claim of Creditor Radical Bunny filed by G. Grant Lyon, Chapter 11 Trustee for Radical Bunny,
24			LLC. (related document(s) <u>2395</u> Statement of Facts)

1	2418	11/18/09	Minutes of Hearing held on: 11/18/2009
2			Subject: Oral Argument on Application for Allowance & Payment of Administrative Claim &
3			Expenses of Creditor Radical Bunny and Robert Furst's Motion for Entry of Order Requiring
4			Immediate Distribution of Five Monthly Interest Payments Received from the Borrower of 300
5			East Camel Back Rd Loan 17.5% Interest on All Withheld Amounts & Determination of Amount
6			of Interest Rate Spread Owed to ML Manager & Determination that ML Manager is a Fiduciary
7			and Motion for Allowance & Payment of Administrative Expense Claim Filed by Cooley
8			Enterprises LLC. (related document(s) 1888 , 2200 , 2303)
9	2514	12/17/09	ORDER Granting Application for Administrative Claim for Substantial Contribution (Related Doc
10			# 1888) signed on 12/17/2009
11	2521	12/21/09	ORDER Approving Allowance & Payment of Substantial Contribution Claim Pursuant to 11 USC
12			Section 503(b)(3)(D) and (4) (Administrative Claim of Creditor Radical Bunny) (Related Doc #
13			1888) signed on 12/21/2009
14	2529	12/28/09	Notice of Appeal (255.00 fee) filed by Kevin T. O'Halloran (related document(s) 2514 Order on
15			Application for Administrative Expenses, 2521 Order on Application for Administrative Expenses)
16	2535	12/30/09	Motion for Stay <i>Pending Appeal</i> filed by MARK J. DORVAL of STRADLEY RONON
17			STEVENS & YOUNG LLP on behalf of Kevin T. O'Halloran (related document(s) 2529 Notice
18			of Appeal (255.00 fee)). (DORVAL, MARK) (Entered: 12/30/2009)
19	2536	12/30/09	Notice of Lodging Proposed Order <i>re Liquidating Trust's Motion for Stay Pending Appeal</i> filed by
20			MARK J. DORVAL of STRADLEY RONON STEVENS & YOUNG LLP on behalf of Kevin T.
21			O'Halloran (related document(s) 2535 Motion for Stay).(DORVAL, MARK) (Entered: 12/30/2009)
22	2537	12/30/09	Motion to Accelerate/Expedite <i>Hearing on Liquidating Trust's Motion for Stay Pending Appeal</i>
23			filed by MARK J. DORVAL of STRADLEY RONON STEVENS & YOUNG LLP on behalf of
24			Kevin T. O'Halloran (related document(s) 2535 Motion for Stay). (DORVAL, MARK) (Entered:
25			12/30/2009)
26	2538	12/30/09	Notice of Lodging Proposed Order <i>re Liquidating Trust's Motion for Expedited Hearing on</i>
			<i>Motion for Stay Pending Appeal</i> filed by MARK J. DORVAL of STRADLEY RONON
			STEVENS & YOUNG LLP on behalf of Kevin T. O'Halloran (related document(s) 2537 Motion
			to Accelerate/Expedite).(DORVAL, MARK) (Entered: 12/30/2009)

1	2542	12/31/09	Objection to Motion/Application <i>THE FORM OF ORDER RE: LIQUIDATING TRUST'S</i>
2			<i>MOTION FOR EXPEDITED HEARING ON ITS MOTION FOR STAY PENDING APPEAL; AND</i>
3			<i>RESPONSE AND OBJECTION TO MOTION FOR EXPEDITED HEARING</i> (related to motions(s)
4			<u>2537</u>) filed by SHELTON L. FREEMAN of DECONCINI MCDONALD YETWIN & LACY PC
5			on behalf of G. Grant Lyon, Chapter 11 Trustee for Radical Bunny, LLC, RADICAL BUNNY,
6			LLC. (FREEMAN, SHELTON) (Entered: 12/31/2009)
7	2543	12/31/09	Notice of Lodging Proposed Order <i>RE: LIQUIDATING TRUST'S MOTION FOR EXPEDITED</i>
8			<i>HEARING ON ITS MOTION FOR STAY PENDING APPEAL</i> filed by SHELTON L. FREEMAN
9			of DECONCINI MCDONALD YETWIN & LACY PC on behalf of G. Grant Lyon, Chapter 11
10			Trustee for Radical Bunny, LLC, RADICAL BUNNY, LLC (related document(s) <u>2542</u>
11			Objection).(FREEMAN, SHELTON) (Entered: 12/31/2009)
12	2552	1/4/10	ORDER Granting in Part and, Denying in Part Motion for Stay Pending Appeal (Related Doc #
13			<u>2535</u>) signed on 1/4/2010
14	2578	1/8/10	Response to <i>Radical Bunny LLC's Motion to Compel Payment and Motion of Liquidating Trust to</i>
15			<i>Approve Modified Supersedeas</i> filed by MARK J. DORVAL of STRADLEY RONON STEVENS
16			& YOUNG LLP on behalf of ML Liquidating Trust (related document(s) <u>2548</u> Objection).
17			(DORVAL, MARK) (Entered: 01/08/2010)
18	2579	1/8/10	Notice of Lodging Proposed Order <i>Denying Radical Bunny LLC's Motion to Compel Payment and</i>
19			<i>Granting ML Liquidating Trust's Motion for Approval of Modified Supersedeas</i> filed by MARK J.
20			DORVAL of STRADLEY RONON STEVENS & YOUNG LLP on behalf of ML Liquidating
21			Trust (related document(s) <u>2578</u> Response).(DORVAL, MARK) (Entered: 01/08/2010)
22	2584	1/11/10	Reply (1) <i>Reply to Liquidating Trust's Response to Radical Bunny, L.L.C.'s Motion to Compel</i>
23			<i>Immediate Payment; and (2) Response and Objection to Liquidating Trust's Motion to Approve</i>
24			<i>Modified Supersedeas</i> filed by SHELTON L. FREEMAN of DECONCINI MCDONALD
25			YETWIN & LACY PC on behalf of G. Grant Lyon, Chapter 11 Trustee for Radical Bunny, LLC
26			(related document(s) <u>2578</u> Response). (FREEMAN, SHELTON) (Entered: 01/11/2010)

1	2585	1/11/10	Notice of Lodging Proposed Order <i>Granting Radical Bunny, L.L.C.'s Motion to Compel</i>
2			<i>Immediate Payment (or Provide Security for Administrative Claim Pending Appeal) and Denying</i>
3			<i>Liquidating Trust's Motion to Approve Modified Supersedeas</i> filed by SHELTON L. FREEMAN
4			of DECONCINI MCDONALD YETWIN & LACY PC on behalf of G. Grant Lyon, Chapter 11
5			Trustee for Radical Bunny, LLC (related document(s) <u>2548</u> Objection, <u>2584</u> Reply).(FREEMAN,
6			SHELTON) (Entered: 01/11/2010)
7	2588	1/11/10	Designation of Items to be Included in the Record on Appeal. <i>Appellant, Kevin O'Halloran,</i>
8			<i>Statement of Issues to be Presented on Appeal</i> filed by MARK J. DORVAL of STRADLEY
9			RONON STEVENS & YOUNG LLP on behalf of Kevin T. O'Halloran (related document(s) <u>2529</u>
10			Notice of Appeal (255.00 fee)).(DORVAL, MARK) (Entered: 01/11/2010)
11	2592	1/12/10	Notice of Lodging Proposed Order <i>Granting Radical Bunny, L.L.C.'s Motion to Compel</i>
12			<i>Immediate Payment (or Provide Security for Administrative Claim Pending Appeal) and Denying</i>
13			<i>Liquidating Trust's Motion to Approve Modified Supersedeas</i> filed by SHELTON L. FREEMAN
14			of DECONCINI MCDONALD YETWIN & LACY PC on behalf of G. Grant Lyon, Chapter 11
15			Trustee for Radical Bunny, LLC (related document(s) <u>2548</u> Objection).(FREEMAN, SHELTON)
16			(Entered: 01/12/2010)
17	2595	1/13/10	ORDER Granting Radical Bunny, LLC's Motion to Compel Immediate Payment (or Provide
18			Security for Administrative claim Pending Appeal) and Denying Liquidating Trust's Motion to
19			Approve Modified Supersedeas signed on 1/13/2010 (related document(s) <u>2514</u> Order on
20			Application for Administrative Expenses, <u>2521</u> Order on Application for Administrative
21			Expenses, <u>2535</u> Motion for Stay, <u>2552</u> Order on Motion for Stay) . (Lewis, Diane) (Entered:
22			01/13/2010)
23	2606	1/21/10	Designation of Additional Items to be Included in the Record on Appeal filed by SHELTON L.
24			FREEMAN of DECONCINI MCDONALD YETWIN & LACY PC on behalf of G. Grant Lyon,
25			Chapter 11 Trustee for Radical Bunny, LLC (related document(s) <u>2588</u> Designation of Items to be
26			Included in the Record on Appeal, Statement of Issues, <u>2589</u> Request for Transcript).(FREEMAN,
			SHELTON) (Entered: 01/21/2010)
	2869	8/6/10	Final Order from BAP Appeal No: 09-01412. Decision: Reversed & Remanded (related
			document(s) <u>2529</u> Notice of Appeal (255.00 fee)) (Gafni, Karla) (Entered: 08/06/2010)

1	2899	8/30/10	Notice of Filing <i>Radical Bunny, L.L.C.'s Request for Status Hearing</i> filed by SHELTON L. FREEMAN of DECONCINI MCDONALD YETWIN & LACY PC on behalf of G. Grant Lyon, Chapter 11 Trustee for Radical Bunny, LLC (related document(s) <u>2895</u> Copy of Order from District/Appellate Court, <u>2896</u> Copy of Order-Judgment-Mandate from Appellate Court Disposing of Appeal, <u>2897</u> Correspondence, <u>2898</u> BNC Certificate of Notice).(FREEMAN, SHELTON)
2	2916	9/2/10	Notice of Status Hearing filed by SHELTON L. FREEMAN of DECONCINI MCDONALD YETWIN & LACY PC on behalf of G. Grant Lyon, Chapter 11 Trustee for Radical Bunny, LLC, RADICAL BUNNY, LLC (related document(s) <u>2514</u> Order on Application for Administrative Expenses, <u>2521</u> Order on Application for Administrative Expenses, <u>2529</u> Notice of Appeal (255.00 fee), <u>2588</u> Designation of Items to be Included in the Record on Appeal, Statement of Issues, <u>2895</u> Copy of Order from District/Appellate Court, <u>2896</u> Copy of Order-Judgment-Mandate from Appellate Court Disposing of Appeal, <u>2897</u> Correspondence, <u>2898</u> BNC Certificate of Notice, <u>2899</u> Notice of Filing) Status Hearing set for 9/21/2010 at 02:30 PM at 230 N. First Ave., 6th Floor, Courtroom 603, Phoenix, AZ (RJH).(FREEMAN, SHELTON)
3	2982	10/18/10	Memorandum <i>in Support of Application Pursuant to 11 U.S.C. § 503(b)(3)(D) and (4) for Allowance and Payment of Administrative Claim of Creditor Radical Bunny on Remand After Appeal</i> filed by SHELTON L. FREEMAN of DECONCINI MCDONALD YETWIN & LACY PC on behalf of G. Grant Lyon, Chapter 11 Trustee for Radical Bunny, LLC. (related document(s) <u>1888</u> Application for Administrative Expenses) (FREEMAN, SHELTON)
4	3004	11/29/10	Brief <i>on Remand in Support of the ML Liquidating Trust Objection to the Application Pursuant to 11 U.S.C. 503(B)(3)(d) and (B)(4) for Allowance and Payment of Administrative Claims of Creditor Radical Bunny, LLC</i> filed by MARK J. DORVAL of STRADLEY RONON STEVENS & YOUNG LLP on behalf of ML Liquidating Trust. (related document(s) <u>1888</u> Application for Administrative Expenses, <u>2014</u> Objection, <u>2027</u> Reply, <u>2088</u> Memorandum, <u>2395</u> Statement of Facts, <u>2396</u> Brief, <u>2398</u> Memorandum, <u>2407</u> Statement of Facts) (Attachments: # <u>1</u> Exhibit A)(DORVAL, MARK)

1	3009	12/2/10	Reply Brief <i>Radical Bunny's Reply to Brief on Remand in Support of the ML Liquidating Trust</i>
2			<i>Objection to the Application Pursuant to 11 U.S.C. Section 503(b)(3)(D) and (4) for Allowance</i>
3			<i>and Payment of Administrative Claims of Creditor Radical Bunny</i> filed by SHELTON L.
4			FREEMAN of DECONCINI MCDONALD YETWIN & LACY PC on behalf of RADICAL
5			BUNNY, LLC. (related document(s) <u>2982</u> Memorandum, <u>3004</u> Brief) (FREEMAN, SHELTON)
6	3018	12/22/10	Findings of Fact and Conclusions of Law and Amended Order Granting Radical Bunny's
7			Administrative Claim for Substantial Contribution signed on 12/21/2010 (related document(s)
8			<u>2982</u> Memorandum) . (Lowry, Jennifer) (Entered: 12/22/2010)
9	3021	1/3/11	Supplemental Application for Attorney or Other Professional Compensation <i>PURSUANT TO 11</i>
10			<i>U.S.C. § 503(b)(3)(D) AND (4) FOR ALLOWANCE AND PAYMENT OF ADMINISTRATIVE</i>
11			<i>CLAIM OF CREDITOR RADICAL BUNNY</i> filed by SHELTON L. FREEMAN of DECONCINI
12			MCDONALD YETWIN & LACY PC on behalf of RADICAL BUNNY, LLC (related
13			document(s) <u>1888</u> Application for Administrative Expenses, <u>2014</u> Objection, <u>2027</u> Reply, <u>2088</u>
14			Memorandum, <u>2395</u> Statement of Facts, <u>2398</u> Memorandum, <u>2407</u> Statement of Facts, <u>2514</u> Order
15			on Application for Administrative Expenses, <u>2521</u> Order on Application for Administrative
16			Expenses, <u>2529</u> Notice of Appeal (255.00 fee), <u>2595</u> Generic Order, <u>2982</u> Memorandum, <u>3009</u>
17			Brief, <u>3018</u> Generic Order). (FREEMAN, SHELTON) (Entered: 01/03/2011)
18	3024	1/5/11	Notice of Appeal (255.00 fee) filed by MARK J. DORVAL of STRADLEY RONON STEVENS
19			& YOUNG LLP on behalf of ML Liquidating Trust (related document(s) <u>3018</u> Generic Order)
20			(Attachments: # <u>1</u> Exhibit A).(DORVAL, MARK) (Entered: 01/05/2011)
21	3025	1/5/11	Motion for Stay <i>Pending Appeal and for Stay of Supplemental Application Pursuant to 11 U.S.C.</i>
22			<i>Section 503(b)(3)(D) and (4) for Allowance and Payment of Creditor Radical Bunny</i> filed by
23			MARK J. DORVAL of STRADLEY RONON STEVENS & YOUNG LLP on behalf of ML
24			Liquidating Trust (related document(s) <u>3018</u> Generic Order, <u>3021</u> Application for Attorney or
25			Other Professional Compensation). (DORVAL, MARK) (Entered: 01/05/2011)
26			

1	3031	1/6/11	Notice of Hearing on Motion <i>for Stay Pending Appeal and for Stay of Supplemental Application Pursuant to 11 U.S.C. sec. 503(b)(3)(D) and for Administrative Claim of Creditor Radical Bunny</i> filed by MARK J. DORVAL of STRADLEY RONON STEVENS & YOUNG LLP on behalf of ML Liquidating Trust (related document(s) <u>3025</u> Motion for Stay) Hearing on Motion set for 1/20/2011 at 03:00 PM at 230 N. First Ave., 6th Floor, Courtroom 603, Phoenix, AZ (RJH).(DORVAL, MARK) (Entered: 01/06/2011)
2	3041	1/12/11	Motion to Accelerate/Expedite <i>HEARING ON SUPPLEMENTAL APPLICATION AND TO SET OBJECTION DEADLINE</i> filed by SHELTON L. FREEMAN of DECONCINI MCDONALD YETWIN & LACY PC on behalf of RADICAL BUNNY, LLC (related document(s) <u>3021</u> Application for Attorney or Other Professional Compensation). (FREEMAN, SHELTON) (Entered: 01/12/2011)
3	3042	1/12/11	Notice of Lodging Proposed Order <i>RE: RADICAL BUNNY L.L.C.'S MOTION FOR EXPEDITED HEARING ON SUPPLEMENTAL APPLICATION AND TO SET OBJECTION DEADLINE</i> filed by SHELTON L. FREEMAN of DECONCINI MCDONALD YETWIN & LACY PC on behalf of RADICAL BUNNY, LLC (related document(s) <u>3041</u> Motion to Accelerate/Expedite).(FREEMAN, SHELTON) (Entered: 01/12/2011)
4	3043	1/12/11	ORDER Setting Hearing signed on 1/12/2011 (related document(s) <u>3041</u> Motion to Accelerate/Expedite) Objections/Responses due by 1/19/2011, Hearing set for 1/20/2011 at 03:00 PM at 230 N. First Ave., 6th Floor, Courtroom 603, Phoenix, AZ (RJH) . (Lowry, Jennifer) (Entered: 01/12/2011)
5	3045	1/17/11	Objection to Motion/Application <i>Radical Bunny's Objection and Response to Liquidating Trust's Motion for Stay Pending Appeal and for Stay of Supplemental Application Pursuant to 11 U.S.C. Section 503(b)(3)(d) and (4) for Allowance and Payment of Administrative Claims of Creditor Radical Bunny</i> (related to motions(s) <u>3025</u>) filed by SHELTON L. FREEMAN of DECONCINI MCDONALD YETWIN & LACY PC on behalf of RADICAL BUNNY, LLC. (FREEMAN, SHELTON) (Entered: 01/17/2011)

1	3048	1/19/11	Objection to Motion/Application Supplemental Application of Radical Bunny, LLC Pursuant to
2			11 U.S.C. Section 503(b)(3)(D) and (4) for Allowance and Payment of Administrative Claim of
3			Creditor Radical Bunny (related to motions(s) 3021) filed by MARK J. DORVAL of
4			STRADLEY RONON STEVENS & YOUNG LLP on behalf of ML Liquidating Trust.
5			(DORVAL, MARK) (Entered: 01/19/2011)
6	3050	1/20/11	Reply to Motion/Application REPLY TO LIQUIDATING TRUSTS OBJECTION TO THE
7			SUPPLEMENTAL APPLICATION PURSUANT TO 11 U.S.C. § 503(b)(3)(D) AND (4) FOR
8			ALLOWANCE AND PAYMENT OF ADMINISTRATIVE CLAIM OF CREDITOR RADICAL
9			BUNNY (related to motions(s) 3021) filed by SHELTON L. FREEMAN of DECONCINI
10			MCDONALD YETWIN & LACY PC on behalf of RADICAL BUNNY, LLC. (FREEMAN,
11			SHELTON) (Entered: 01/20/2011)
12	3058	1/26/11	ORDER, Minute Entry signed on 1/25/2011 (related document(s) 3018 Generic Order, 3041
13			Motion to Accelerate/Expedite) Hearing Continued To 2/15/2011 at 03:00 PM at 230 N. First
14			Ave., 6th Floor, Courtroom 603, Phoenix, AZ (RJH) Objections/Responses due by 2/11/2011
15	3069	2/2/11	Stipulated Motion to Continue Hearing and Response Deadlines re: Matters Concerning
16			Application of Radical Bunny, LLC filed by MARK J. DORVAL of STRADLEY RONON
17			STEVENS & YOUNG LLP on behalf of ML Liquidating Trust (related document(s) 3058 Order,
18			Minute Entry). (DORVAL, MARK) (Entered: 02/02/2011)
19	3077	2/3/11	ORDER Rescheduling Hearing And Extend Response Deadlines Re: Matters Concerning
20			Application Of Radical Bunny, LLC (Related Doc # 3069 , 3021 , 3025 , 3058) signed on
21			2/3/2011 Hearing Rescheduled For 3/1/2011 at 03:30 PM at 230 N. First Ave., 6th Floor,
22			Courtroom 603, Phoenix, AZ (RJH) . (Brenner, Christel) (Entered: 02/04/2011)
23	3093	2/22/11	Notice of Lodging Proposed Order STIPULATED ORDER RESCHEDULING HEARING AND
24			EXTENDING RESPONSE DEADLINES RE: MATTERS CONCERNING APPLICATION OF
25			RADICAL BUNNY, LLC filed by SHELTON L. FREEMAN of DECONCINI MCDONALD
26			YETWIN & LACY PC on behalf of RADICAL BUNNY, LLC (related document(s) 3077 Order
			on Motion to Continue).(FREEMAN, SHELTON) (Entered: 02/22/2011)

1	3096	2/23/11	Stipulated ORDER Rescheduling Hearing And Extending Response Deadlines Re: Matters
2			Concerning Application Of Radical Bunny, LLC signed on 2/22/2011 (related document(s) 3021 ,
3			3025 , 3058 , 3069 , 3077) Hearing Rescheduled For 4/11/2011 at 02:30 PM at 230 N. First Ave.,
4			6th Floor, Courtroom 603, Phoenix, AZ (RJH) . (Brenner, Christel) (Entered: 02/23/2011)
5	3102	3/2/11	Notice of Appeal (255.00 fee) filed by MARK J. DORVAL of STRADLEY RONON STEVENS
6			& YOUNG LLP on behalf of ML Liquidating Trust (related document(s) 3058 Order, Minute
7			Entry) (Attachments: # 1 Exhibit "A"# 2 Exhibit "B").(DORVAL, MARK) (Entered: 03/02/2011)
8	--	--	Copy of the U.S. Bankruptcy Appellate Panel for the Ninth Circuit
9			("BAP") Docket for Case No. 09-1412
10	BAP Doc. No 009141767	3/8/10	Appellant's Brief on Appeal
11	BAP Doc. No 009143674	3/29/10	Appellee's Response Brief
12	BAP Doc. No 009144406	4/12/10	Appellant's Reply Brief
13	BAP Doc. No 09156986	8/4/10	Memorandum
14	BAP Doc. No 009153989	8/4/10	Judgment
15			Transcript of Hearing held before the Bankruptcy Court on 5/14/09
16			Transcript of Hearing held before the Bankruptcy Court on 8/19/09
17			Transcript of Hearing held before the Bankruptcy Court on 9/17/09
18			Transcript of Hearing held before the Bankruptcy Court on 11/18/09
19			Transcript of Hearing held before the Bankruptcy Court on 9/21/10
20			Transcript of Hearing held before the Bankruptcy Court on 12/6/2010
21			Transcript of Hearing held before the Bankruptcy Court on 1/20/11

23 RESPECTFULLY SUBMITTED this 16th day of March, 2011.

24 STRADLEY RONON STEVENS & YOUNG, LLP

25 By: /s/ Mark J. Dorval
 26 Mark J. Dorval, Esquire
 Counsel for the ML Liquidating Trust

1 COPY of the foregoing
2 sent by facsimile or e-mail
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