

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

<p>In re</p> <p>CD LIQUIDATION CO., LLC, <i>et al.</i>,</p> <p style="text-align: center;">Debtors.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Chapter 11</p> <p>Case No. 09-13038 (KG)</p> <p>Substantively Consolidated</p>
<p>CHARLES M. MOORE, as trustee of the CD LIQUIDATION TRUST,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>JOHN MARTILLO,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Adv. Proc. No. 11-51636 (KG)</p>

**NOTICE OF AGENDA OF MATTERS SCHEDULED FOR HEARING
ON FEBRUARY 28, 2012 AT 10:00 A.M. (PREVAILING EASTERN TIME)**

CONTINUED MATTER

1. Motion Requesting a Court Order Compelling Compliance with the Sale Order (Docket No. 258) and Settlement Order (Docket No. 935) (Docket No. 1350; filed May 17, 2011)

Response Deadline: June 17, 2011 at 4:00 p.m. (extended to July 25, 2011 for Cynergy Holdings, LLC)

Related Document(s):

- a. Order Authorizing and Approving (A) The Sale of Transferred Assets Free and Clear of Liens and Encumbrances and (B) Assumption and Assignment of Certain Executory Contracts and Unexpired Leases (Docket No. 258; entered October 9, 2009)
- b. Order Approving the Settlement Between and Among the Debtors, Harris N.A., Moneris Solutions, Inc., Term B Parties and Second Lien Parties, Term A Parties, Cynergy Holdings, LLC and Cynergy Data, LLC Regarding Reconciliation of Amounts Related to the Rolling Reserve Funds and for Certain Related Relief (Docket No. 935; entered September 13, 2010)



Response(s) Received:

- a. Objection of Purchaser to Motion Requesting a Court Order Compelling Compliance with the Sale Order (Docket No. 258) and Settlement Order (Docket No. 935) (Docket No. 1373; filed July 25, 2011)

Status: The parties have agreed to continue this matter to the omnibus hearing scheduled for March 27, 2012 at 10:00 a.m.

ADVERSARY PROCEEDING

2. Pretrial Conference

Related Document(s):

- a. First Amended Complaint (Adv. Proc. Docket No. 35; filed August 19, 2011)
- b. John Martillo's Motion for Summary Judgment on Certain Counts and to Dismiss Certain Counts of the Amended Complaint (Adv. Proc. Docket No. 51; filed October 12, 2011)

Response(s) Received: None as of this date and time.

Status: This pretrial conference will go forward.

Dated: February 24, 2012
Wilmington, Delaware

POLSINELLI SHUGHART

/s/ Christopher A. Ward

Christopher A. Ward (Del. Bar No. 3877)
Justin K. Edelson (Del. Bar No. 5002)
Shanti M. Katona (Del. Bar No. 5352)
222 Delaware Avenue, Suite 1100
Wilmington, Delaware 19801
Telephone: 302-252-0920
Facsimile: 302-252-0921

- and -

McDONALD HOPKINS LLC

Stephen M. Gross, Esq.
Jeffrey S. Grasl, Esq.
John E. Benko, Esq.
Jayson B. Ruff, Esq.
39533 Woodward Avenue, Suite 318
Bloomfield Hills, MI 48304
Telephone: 248-646-5070
Facsimile: 248-646-5075

- and -

David A. Agay, Esq.
300 North LaSalle Street, Suite 2100
Chicago, IL 60654
Telephone: 312-280-0111
Facsimile: 312-280-8232

- and-

Edmund W. Searby, Esq.
600 Superior Avenue, East, Suite 2100
Cleveland, OH 44114
Telephone: (216) 348-5400
Facsimile: (216) 348-5474

Counsel for Charles M. Moore, in his
capacity as trustee of the CD Liquidation
Trust