Docket #0470 Date Filed: 1/29/2024

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

In re: NORTHWEST SENIOR HOUSING CORPORATION, *et al*[1] Debtor.	Chapter 11 Case No. 22-30659 (MVL)
Leif M. Clark, Trustee of the Edgemere Litigation Trust Plaintiff, v. Intercity Investment Properties, Inc., and Kong Capital LLC Defendants.	Adv. Pro. No. 22-03040 (MVL)

STIPULATION AND AGREED ORDER BETWEEN LIFESPACE COMMUNITIES, INC. AND DEFENDANTS REGARDING TREATMENT OF DOCUMENTS PRODUCED BY LANE GORMAN TRUBITT, LLC

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are Northwest Senior Housing Corporation d/b/a Edgemere ("Edgemere") (1278) and Senior Quality Lifestyles Corporation (2669). The Debtors' mailing address is 8523 Thackery Street, Dallas, Texas 75225.

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This stipulation (the "Stipulation") is agreed to by: (i) Lifespace Communities, Inc. ("Lifespace") and (ii) Intercity Investment Properties, Inc., and Kong Capital LLC (together, "Defendants") with respect to *Lifespace Communities Inc.'s Motion to Redact or Withhold Documents Produced by Lane Gorman Trubitt, LLC* (Adv. Proc. ECF 436) (the "Motion") and *Defendants' Preliminary Response to and Reservation of Rights Regarding Lifespace Communities, Inc.'s Motion to Redact or Withhold Documents Produced by Lane Gorman Trubitt, LLC* (Adv. Proc. ECF 451) (the "Preliminary Response").

RECITALS

WHEREAS, On November 14, 2023, the Court issued a written order at Adv. Proc. ECF No. 424 (the "Lane Gorman Order") requiring Lane Gorman Trubitt, LLC ("Lane Gorman")—who provided tax and accounting services to Edgemere—to produce "[its] files for the accounting services [it] rendered for" Edgemere. Lane Gorman Order at 1. However, the Court limited the production as follows:

> For the avoidance of doubt, this Order does not direct CLA or Lane Gorman to produce their files for accounting services rendered to Lifespace or to any current or former Lifespace affiliate other than Edgemere, or their files for consolidated filings for Edgemere and other Lifespace affiliates.

Id. The Court also provided that, within fourteen days of Lane Gorman's production, Lifespace must "identify any of the records, or portions thereof, that Lifespace considers warrant additional protection, including prompt return or destruction, and file such motion or other appropriate papers as necessary to secure such relief." *Id.*

WHEREAS, On November 20, 2023, Lane Gorman produced approximately 1,400 documents, which contained information regarding "current or former Lifespace affiliate[s] other than Edgemere" and consolidated information covering "Edgemere and other Lifespace affiliates." *Id.*

WHEREAS, on December 4, 2023, Lifespace filed the Motion through which Lifespace identified the documents Lane Gorman produced that should either be redacted or withheld as non-responsive and destroyed or returned to Lane Gorman. *See* Mot., Ex. A.

WHEREAS, on December 26, 2023, Defendants filed the Preliminary Response.

WHEREAS, Lifespace and Defendants have since met and conferred regarding the treatment of the Lane Gorman documents identified on Exhibit A to the Motion, and they have reached agreement on the treatment of those documents. Accordingly, Lifespace and Defendants stipulate as follows:

STIPULATION

NOW, THEREFORE, IT IS STIPULATED AS FOLLOWS:

1. The foregoing recitals are incorporated herein by reference as if set forth herein.

2. The agreement reached between Lifespace Communities, Inc. and Defendants regarding the treatment of the documents produced by Lane Gorman shall govern the use of such documents during this Adversary Proceeding.

3. The Motion is hereby resolved without the need for a hearing on the issues raised therein.

4. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Stipulation and Order.

END OF ORDER # #

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Dated: January 29, 2024

AGREED:

/s/ *Ryan C. Hardy*

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