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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re: NORTHWEST SENIOR HOUSING CORPORATION, *et al*.[1] Debtors.	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	Adv. Pro. No. 22-03040 (MVL)

NOTICE OF AGENDA OF MATTERS SCHEDULED
FOR FEBRUARY 22, 2024 AT 9:30 A.M. (CT)

[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 (1278) and Senior Quality Lifestyles Corporation (2669). The Debtors' mailing address is 8523 Thackery Street, Dallas, Texas 75225.

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MOTION HEARINGS:

1. ***Defendants' Motion for Judgment on the Pleadings on Counts 1, 2, 3, 4, 5, 7, and 8 of the First Amended Complaint***, filed December 18, 2023 (ECF 445).

Status: Plaintiff responded (ECF 469) and Defendants replied (ECF 473). This Motion will proceed.

2. ***Defendants' Motion to Compel Production by Plaintiff***, filed October 16, 2023 (ECF 362) and as supplemented by ***Defendants' Supplemental Motion to Compel Production of FTI Consulting, Inc. Documents and Brief in Support***, filed November 1, 2023 (ECF 386)

Status: Plaintiff responded (ECF 471) and Defendants replied (ECF 474). This Motion will proceed, but its scope has been narrowed since the Trustee agreed to produce additional documents. In particular, the Trustee recently agreed to produce (but has not yet produced) all FTI communications dated to and including December 31, 2021.

OPEN AND UPCOMING MATTERS:

1. ***Defendants' Motion to Compel Production by Plaintiff***, filed October 16, 2023 (ECF 362) and as supplemented by ***Defendants' Supplemental Brief Regarding the Lifespace Privilege Waiver and GrayRobinson Communications***, filed December 1, 2023 (ECF 434).

Status: This issue has been fully briefed and argued on January 12, 2024.

2. ***Defendants' Motion to Compel Production by Plaintiff***, filed October 16, 2023 (ECF 362), following the Court's *in camera* review of 50 "no counsel" documents.

Status: On December 20, 2023, the Court orally granted the Motion in part and denied it in part as to the 50 documents it reviewed and instructed the parties to confer about how to craft an order addressing the ruling as to those 50 documents but also the other "no counsel" documents. While the parties have reached agreement on a form of order addressing those 50 documents, they have not yet reached agreement about how best to proceed regarding the remaining "no counsel" documents.

3. ***Defendants' Motion to Compel Plaintiff to Respond to Second Set of Discovery Requests***, filed February 16, 2024 (ECF 477).

Status: This matter will be set for hearing on ordinary notice on March 20, 2024 at 9:30 a.m.

4. ***Amended Agreed Scheduling Order (ECF 461) – Depositions***

Status: At the request of UMB Bank, NA ("UMB"), Defendants served an amended subpoena for UMB's corporate designee. UMB expressed that it objected to the deposition topics set forth therein. Defendants and UMB will further meet and confer to address UMB's concerns before seeking court intervention.

The parties also have agreed to the depositions of Nick Harshfield and Jesse Jantzen on April 1 and April 2. The parties are discussing whether those depositions will be individual depositions only, or if they will also be corporate designee depositions under Fed. R. Civ. P. 30(b)(6). The parties are meeting and conferring on that question, as well as the related question of whether Edgemere is dissolved as set forth in the Plan (Bankr. ECF 1242) and Confirmation Order (Bankr. ECF 1393).

Defendants' ability to proceed with these depositions and otherwise comply with the Amended Agreed Scheduling Order hinges in large measure on the Trustee's timely production of documents, compliance with his written discovery obligations, and applicable Court orders.

Finally, the parties attempted to reach agreement on a business record stipulation that would allow for the admission of documents produced by non-parties without the need for records custodian depositions or similar foundational issues. The Trustee declined the proposed stipulation, so the Defendants will begin scheduling custodian depositions.

Dated: February 21, 2024
Dallas, Texas

/s/ *Ryan C. Hardy*

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of February 2024, a true and correct copy of the foregoing was served electronically on all persons via the Court's CM/ECF system.

/s/ Ryan C. Hardy