Docket #0492 Date Filed: 3/10/2024

CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Michelle V. Larson

Signed March 8, 2024

United States Bankruptcy Judge

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, Defendants.	Adv. No. 22-03040 (MVL)

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO COMPEL PRODUCTION BY PLAINTIFF

This matter came before the Court on Defendants' Motion to Compel Production by Plaintiff (the "**Motion**")[Dkt. No. 362]. The Court held a hearing on November 29, 2023, after which time the Court

[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.

reviewed fifty sample documents *in camera* relating to the "no-counsel" issue, identified by Tabs 1-50. The Court, having reviewed the pleadings on file, heard oral argument, and performed an *in camera* review of the documents, gave an oral bench ruling on December 14, 2023, which is incorporated herein by reference. The Court is of the opinion that the Motion should be granted in part and denied in part as set forth below.

IT IS HEREBY ORDERED THAT

TAB	DOCUMENT ID	RULING
1	Edgemere064914	Sustained
2	1030717	Sustained
3	610355	Sustained
4	205792	Sustained
5	110599	Sustained
6	181584	Sustained
7	551241	Sustained
8	189815	Sustained
9	431948	Sustained
10	433593	Sustained
11	193623	Sustained
12	103014	Sustained
13	399601	Sustained
14	402348	Sustained
15	78483	Sustained
16	199963	Sustained
17	553160	Sustained
18	733026	
19		
20	436923	Sustained
21	78145	Sustained
22	746626	Sustained
23	71926	Sustained
24	175130	Sustained
25	206908	Sustained
26	182614	Sustained
27	510661	Overruled
28	253903	Sustained
29	255410	Overruled
30	663059	Overruled in Part
31	189387	Sustained
32	149217	Sustained
33	460062	Sustained
34	349883	Overruled
35	337063	Overruled
36	2048387	Sustained

37	2049327	Sustained
38	538682	Sustained
39	538733	Sustained
40	538750	Sustained
41	106945	Sustained
42	43363	Sustained
43	96428	Sustained
44	470709	Sustained
45	2425300	Sustained
46	504709	Sustained
47	219627	Sustained
48	Edgemere065044	Overruled
49	272975	Sustained
50	459725	Overruled in Part

1. The following documents are not considered privileged, and the privilege assertions are hereby overruled: Tabs 27, 29, 30, 34-35, 48, and 50.

2. The documents identified in Tabs 30 and 50 are not considered privileged, with the exception of any reference to other properties. Those portions may be redacted by Plaintiff.

3. With respect to Tabs 18-19, the Court requires more information related to the context of these documents prior to issuing its ruling. Plaintiff is ordered to submit such information to the Court within ten (10) days of the date of the entry of this Order.

4. For all other documents that were submitted *in camera* (Tabs 1-26, 28, 31-33, 36-47, and 49), the privilege assertions are sustained, and the documents are considered privileged.

5. The *in camera* review discussed in this Order addresses a sampling of the documents at issue in the Motion. With the guidance provided at the hearing and during the bench ruling, Plaintiff is directed, within ten (10) days following the entry of this Order, to further review its privilege assertions as to the other documents at issue in the Motion and: (a) produce those documents, if any, that its further review shows are not privileged; and (b) provide to Defendants an amended and restated privilege log. Any further disputes shall require further conference and motion practice.

END OF ORDER # #

United States Bankruptcy Court

Northern District of Texas

Leif M. Clark, Trustee of the Edgemere L,

Plaintiff

Adv. Proc. No. 22-03040-mvl

Intercity Investment Properties, Inc.,

Defendant

CERTIFICATE OF NOTICE

District/off: 0539-3 User: admin

Date Rcvd: Mar 08, 2024 Form ID: pdf001 Total Noticed: 3

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 10, 2024:

Recip ID		Recipient Name and Address
aty	+	Ryan C. Hardy, Levenfeld Pearlstein, LLC, 120 S. Riverside Plaza, Suite 1800, Chicago, IL 60606-3911

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID		Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+	Email/Text: ustpregion06.da.ecf@usdoj.gov	Mar 08 2024 21:14:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996
ust	+	Email/Text: ustpregion07.au.ecf@usdoj.gov	Mar 08 2024 21:14:00	United States Trustee - AU12, United States Trustee, 903 San Jacinto Blvd, Suite 230, Austin, TX 78701-2450

TOTAL: 2

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 10, 2024 Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 8, 2024 at the address(es) listed below:

Name	Email Address
Allan B Diamond	on behalf of Counter-Defendant Leif M. Clark Trustee of the Edgemere Litigation Trust adiamond@diamondmccarthy.com
Allan B Diamond	

on behalf of Trustee Leif M. Clark Trustee of the Edgemere Litigation Trust adiamond@diamondmccarthy.com

Allan B Diamond
on behalf of Plaintiff Leif M. Clark Trustee of the Edgemere Litigation Trust adiamond@diamondmccarthy.com

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Eric E. Walker
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J. Gregory Taylor
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John D. Penn
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Michael Scott Held
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TOTAL: 24