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

DEFENDANTS' MOTION FOR EXPEDITED HEARING ON DEFENDANTS' SUPPLEMENTAL MOTION TO COMPEL PRODUCTION OF THE FTI COMMUNICATIONS

[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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Come now Defendants Intercity Investment Properties, Inc. ("ICI") and Kong Capital LLC ("Kong" and, with ICI, the "Defendants") and respectfully move the Court for an expedited hearing on Defendants' Supplemental Motion to Compel Production of the FTI Communications (the "Motion") on March 20, 2024 at 9:30 a.m., during the previously-scheduled hearing on that date. In support thereof, Defendants state as follows:

1. As more fully set forth in the Motion, Plaintiff promised to provide to Defendants those FTI Communications that occurred on or before December 31, 2021. Despite further request, Plaintiff has not provided those documents. Nor has Plaintiff identified when they will be provided absent court order.

2. It has been over a month since Plaintiff first promised to provide those documents. Meanwhile, Defendants are scheduled to take "apex" depositions of Lifespace/Edgemere officers on April 1 and April 2, and to take depositions of key FTI personnel on April 9 and 10. Defendants cannot wait any longer to secure the production of these documents, particularly in light of the impending April 26, 2024 close of fact discovery.

3. An expedited hearing is warranted because waiting for a full twenty-one-day notice period would leave Defendants to take key depositions without the opportunity to receive and review the documents at issue. Conversely, the parties already are due to appear in this Court on March 20, 2024 and the incremental time to hear the Motion will be minimal. Accordingly, the benefits of expediting the hearing outweigh its minimal burdens, and cause therefore exists to hear the Motion on an expedited basis.

WHEREFORE, Defendants Intercity Investment Properties, Inc. and Kong Capital LLC respectfully request entry of an order (i) scheduling the Motion for hearing on March 20, 2024 and (ii) granting such other or additional relief as the Court deems just and appropriate in the circumstances.

Dallas, Texas
March 13, 2024

/s/ *Ryan C. Hardy*

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Counsel for Defendants

CERTIFICATE OF CONFERENCE

I certify that I conferred with Plaintiff's counsel, Greg Taylor and Drew Jones, regarding the relief requested in this Motion by email on March 11, 2024 but that the parties reached impasse.

/s/ *Ryan C. Hardy*
Ryan C. Hardy

CERTIFICATE OF SERVICE

I certify that on this 13th day of March, 2024, a copy of the foregoing was filed electronically with the Clerk of Court via ECF, which caused a copy of same to be transmitted to all counsel of record.

/s/ *Michael S. Held*
Michael S. Held

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

In re: NORTHWEST SENIOR HOUSING CORPORATION, *et al*.[2] 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. Pro. No. 22-03040 (MVL)

ORDER SETTING EXPEDITED HEARING ON DEFENDANTS' SUPPLEMENTAL MOTION TO COMPEL PRODUCTION OF THE FTI COMMUNICATIONS

[2] 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.

This matter came before the Court on Defendants' *Motion for Expedited Hearing on Defendants' Supplemental Motion to Compel Production of the FTI Communications*. Having considered the said Motion and the bases for relief advanced therein, the Court finds that cause exists to grant the relief requested in the said Motion. Accordingly,

IT IS HEREBY ORDERED THAT the said Motion is **GRANTED** as follows:

1. Defendants' *Supplemental Motion to Compel Production of the FTI Communications* shall be heard on March 20, 2024 at 9:30 a.m. as further set forth in the Notice of Hearing at ECF 482.

END OF ORDER # #

SUBMITTED BY:

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