Docket #0500 Date Filed: 3/19/2024

JACKSON WALKER LLP
Michael S. Held (State Bar No. 09388150)
Jennifer F. Wertz (State Bar No. 24072822)
J. Machir Stull (State Bar No. 24070697)
2323 Ross Ave., Suite 600
Dallas, Texas 75201
Telephone: (214) 953-6000
Facsimile: (214) 953-5822

Local Counsel for Intercity Investment Properties, Inc. and Kong Capital LLC

LEVENFELD PEARLSTEIN, LLC
Eileen M. Sethna, Esq. (admitted *pro hac vice*)
Ryan C. Hardy, Esq. (admitted *pro hac vice*)
Elizabeth B. Vandesteeg, Esq. (admitted *pro hac vice*)
120 South Riverside Plaza, Suite 1800
Chicago, Illinois 60606
Telephone: (312) 346-8380
Facsimile: (312) 346-8634

Counsel for Intercity Investment Properties, Inc. and Kong Capital LLC

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 MARCH 20, 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.

MOTION HEARINGS:

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

Status: This motion will proceed.

2. ***Defendants' Supplemental Motion to Compel Production of FTI Communications***, filed March 13, 2024 (ECF 493)

Status: This motion will proceed, but will be more limited in scope due to Plaintiff's production of documents following the filing of the motion.

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 was 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 March 8, 2023, the Court entered an order granting the Motion in part and denying it in part as to the 50 documents it reviewed. Plaintiff has produced the specific documents identified in the order. Plaintiff made an additional production and provided an amended privilege log on March 18, 2024.

3. ***Motion for Judgment on the Pleadings***, filed December 18, 2023 (ECF 445).

Status: This motion has been fully briefed and was argued on February 22, 2024.

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 had agreed to the depositions of Nick Harshfield and Jesse Jantzen on April 1 and April 2, but Lifespace's counsel recently disclosed that Messrs. Harshfield and Jantzen will be in Tucson, Arizona for meetings on those dates. The parties are discussing whether those depositions will proceed. Another outstanding issue on which Defendants have sought (but have not received) clarity is (a) whether these will be individual depositions only, or if they will also be corporate designee depositions under Fed. R. Civ. P. 30(b)(6) and (b) if the latter, whether there are any objections to the list of topics of inquiry Defendants have identified. The parties are meeting and

conferring on those issues, as well as 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.

Dated: March 19, 2024
Dallas, Texas

/s/ *Ryan C. Hardy*

JACKSON WALKER LLP
Michael S. Held (State Bar No. 09388150)
W. Ross Forbes, Jr. (State Bar No. 00796564)
Edwin Buffmire (State Bar No. 24078283)
Marc Fuller (State Bar 24032210)
2323 Ross Avenue, Suite 600
Dallas, Texas 75201
Telephone: (214) 953-6000
Facsimile: (214) 953-5822
Email: mheld@jw.com
Email: rforbes@jw.com
Email: ebuffmire@jw.com
Email: mfuller@jw.com

Local Counsel for Intercity Investment Properties, Inc. and Kong Capital LLC

LEVENFELD PEARLSTEIN, LLC
Elizabeth B. Vandesteeg (admitted *pro hac vice*)
Ryan C. Hardy (admitted *pro hac vice*)
Eileen M. Sethna (admitted *pro hac vice*)
120 South Riverside Plaza, Suite 1800
Chicago, IL 60606
Telephone: (312) 346-8380
Facsimile: (312) 346-7634
Email: evandesteeg@lplegal.com
Email: rhardy@lplegal.com
Email: esethna@lplegal.com

Counsel for Intercity Investment Properties, Inc. and Kong Capital LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of March 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