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 April 2, 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 PLAINTIFF TO RESPOND TO SECOND SET OF DISCOVERY REQUESTS

[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.

2230659240405000000000001

This matter came before the Court on Defendants' Motion to Compel Plaintiff to Respond to Second Set of Discovery Requests (the "Motion") [Dkt. No. 477]. The Court, having reviewed the pleadings on file and having considered the Motion, the related response, the related reply, and having received oral argument, is of the opinion that the Motion should be granted in part and denied in part for the reasons more fully set forth on the hearing record. Accordingly,

IT IS HEREBY ORDERED THAT that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Insofar as the Motion sought to compel the Plaintiff to respond to Defendants' Second Interrogatories, the Motion is DENIED for the reasons set forth on the record.

2. Following the Court's announcement of its decision regarding the Second Interrogatories, Defendants made an oral motion (the "Oral Motion") for leave to exceed the limit imposed by Rule 33(a) and to serve the Second Interrogatories and for same to be deemed served *instanter*. Plaintiff opposed the Motion for the reasons stated on the record, and the Court, after considering the arguments of counsel, DENIES the Oral Motion.

3. Insofar as the Motion sought to compel the Plaintiff to further respond to Defendants' Requests for Admission, and as further set forth on the record:

   a. The Motion is DENIED AS MOOT as to Requests 19, 21, 22, 23, 26, 33, 36, 45, and 58 following the Defendants' withdrawal of the Motion as to those Requests;

   b. The Motion is DENIED as to Requests 4, 5, 6, 7, 8, 9, 10, 12, 14, 16, 17, 18, 20, 29, 31, 42, 46, 47, 48, 49, 50, 52, 53, and 59; and

   c. The Motion is GRANTED as to Requests 3, 13, 24, 25, 28, 37, 38, 40, 41, 54, 55, 56, and 60, and as more fully set forth on the record, the Court orders that

Plaintiff shall, on or by March 29, 2024, amend his responses and objections to the said Requests to comply with Fed. R. Civ. P. 36(a)(4)(d).

END OF ORDER # #

SUBMITTED BY:

DIAMOND McCARTHY LLP

Allan B. Diamond (SBN 05801800)
Stephen T. Loden (SBN 24002489)
Christopher D. Johnson (SBN 24012913)
909 Fannin, Suite 3700
Houston, Texas 77010
Telephone: (713) 333-5100
adiamond@diamondmccarthy.com
sloden@diamondmccarthy.com
chris.johnson@diamondmccarthy.com

– and –

J. Gregory Taylor (SBN 19706100)
Mark A. Sales (SBN 17532050)
Drew Jones (SBN 24083269)
DIAMOND McCARTHY LLP
2711 N. Haskell Avenue, Suite 3100
Dallas, Texas 75204
Telephone: (214) 389-5300
gtaylor@diamondmccarthy.com
msales@diamondmccarthy.com
drew.jones@diamondmccarthy.com

COUNSEL TO LEIF M. CLARK, SOLELY IN HIS CAPACITY AS THE TRUSTEE OF THE EDGEMERE LITIGATION TRUST

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: Apr 02, 2024 Form ID: pdf001 Total Noticed: 2

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 Apr 04, 2024:

NONE

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	Apr 02 2024 21:39:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996
ust	+	Email/Text: ustpregion07.au.ecf@usdoj.gov	Apr 02 2024 21:39:00	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: Apr 04, 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 April 2, 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

Christopher D. Johnson
on behalf of Trustee Leif M. Clark Trustee of the Edgemere Litigation Trust chris.johnson@diamondmccarthy.com, nan.sauter@diamondmccarthy.com

Christopher D. Johnson
on behalf of Plaintiff Leif M. Clark Trustee of the Edgemere Litigation Trust chris.johnson@diamondmccarthy.com, nan.sauter@diamondmccarthy.com

Christopher D. Johnson
on behalf of Counter-Defendant Leif M. Clark Trustee of the Edgemere Litigation Trust chris.johnson@diamondmccarthy.com, nan.sauter@diamondmccarthy.com

Eric E. Walker
on behalf of Interested Party The Point Group ewalker@cooley.com efilingnotice@cooley.com;efiling-notice@ecf.pacerpro.com;diane.young@cooley.com

Eric E. Walker
on behalf of Interested Party Eddie Fenoglio ewalker@cooley.com efilingnotice@cooley.com;efiling-notice@ecf.pacerpro.com;diane.young@cooley.com

Eric E. Walker
on behalf of Interested Party Lifespace Communities Inc. ewalker@cooley.com, efilingnotice@cooley.com;efiling-notice@ecf.pacerpro.com;diane.young@cooley.com

Frasher Murphy
on behalf of Interested Party UMB Bank N.A. frasher.murphy@haynesboone.com, kim.morzak@haynesboone.com

J. Gregory Taylor
on behalf of Plaintiff Leif M. Clark Trustee of the Edgemere Litigation Trust gtaylor@diamondmccarthy.com, cburrow@diamondmccarthy.com

J. Gregory Taylor
on behalf of Counter-Defendant Leif M. Clark Trustee of the Edgemere Litigation Trust gtaylor@diamondmccarthy.com, cburrow@diamondmccarthy.com

Jeremy Heath Coffman
on behalf of Interested Party Lane Gorman Trubitt LLC hcoffman@belaw.com, apaez@belaw.com;ctucker@belaw.com;sroyall@belaw.com

John D. Penn
on behalf of Interested Party Lifespace Communities Inc. jpenn@perkinscoie.com, docketdal@perkinscoie.com;john--penn-1853@ecf.pacerpro.com

Mark C. Moore
on behalf of Creditor Committee Official Committee of Unsecured Creditors mmoore@foley.com mark-moore-8735@ecf.pacerpro.com;roxana.gutierrez@foley.com

Michael Scott Held
on behalf of Counter-Claimant Kong Capital LLC mheld@jw.com, kgradney@jw.com;osalvatierra@jw.com

Michael Scott Held
on behalf of Defendant Intercity Investment Properties Inc. mheld@jw.com, kgradney@jw.com;osalvatierra@jw.com

Michael Scott Held
on behalf of Counter-Claimant Intercity Investment Properties Inc. mheld@jw.com, kgradney@jw.com;osalvatierra@jw.com

Ryan C Hardy
on behalf of Counter-Claimant Kong Capital LLC rhardy@lplegal.com, nbailey@lplegal.com;druiz@lplegal.com;kpatton@lplegal.com;ikropiewnicka@lplegal.com

Ryan C Hardy
on behalf of Defendant Intercity Investment Properties Inc. rhardy@lplegal.com, nbailey@lplegal.com;druiz@lplegal.com;kpatton@lplegal.com;ikropiewnicka@lplegal.com

Stephen A. McCartin
on behalf of Creditor Committee Official Committee of Unsecured Creditors smccartin@foley.com steve-mccartin-3861@ecf.pacerpro.com;jcharrison@foley.com;stephanie.jackson@foley.com

Stephen T Loden
on behalf of Plaintiff Leif M. Clark Trustee of the Edgemere Litigation Trust sloden@diamondmccarthy.com, cburrow@diamondmccarthy.com

Stephen T Loden
on behalf of Counter-Defendant Leif M. Clark Trustee of the Edgemere Litigation Trust sloden@diamondmccarthy.com, cburrow@diamondmccarthy.com

Thomas C. Scannell
on behalf of Creditor Committee Official Committee of Unsecured Creditors tscannell@foley.com acordero@foley.com;thomas-scannell-3441@ecf.pacerpro.com

TOTAL: 24