Docket #0535 Date Filed: 6/30/2024

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 June 27, 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)

AMENDED AGREED SCHEDULING ORDER

[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.

2306592407010000000000002

Pursuant to Federal Rule of Civil Procedure 16, made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure 7026, the Court issues the following amended scheduling order (this "**Scheduling Order**") at the request of Leif M. Clark, solely in his capacity as Litigation Trustee of the former Debtor Northwest Senior Housing Corporation d/b/a Edgemere ("**Debtor**") and Defendants Intercity Investment Properties, Inc. and Kong Capital LLC ("**Defendants**"). The rules of procedure referenced in this Scheduling Order are the Federal Rules of Civil Procedure as modified or made applicable to this proceeding by the Federal Rules of Bankruptcy Procedure.

IT IS ORDERED THAT:

1. Oral fact discovery must be completed by August 23, 2024. The parties may, by agreement, continue fact discovery beyond the deadlines, but the trial setting will not be vacated because of information obtained in post-deadline discovery except by further court order.

2. Parties must exchange any supplemental or amended expert witness list and expert reports required by FRCP 26(a)(2) by September 24, 2024. Only those expert witnesses will be permitted to testify. Within twenty-one (21) days thereafter, the parties will make their expert witnesses available for deposition.

3. Parties must exchange any rebuttal expert reports by November 15, 2024. Only those expert witnesses will be permitted to testify. Within fourteen (14) days thereafter, the parties will make their expert witnesses available for deposition.

4. Expert discovery must be completed by November 29, 2024.

5. Parties must file any dispositive motions and Daubert motions by January 10, 2025. Parties must file responses in opposition to dispositive and Daubert motions by February 10, 2025.

Parties must file replies in support of dispositive motions by March 3, 2025. A hearing on dispositive motions shall be held no later than March 31, 2025.

6. Parties must file and serve witness and exhibit lists and deposition designations by April 18, 2025. Each exhibit shall be marked with an exhibit label. Except for impeachment documents, the parties shall submit a joint list of all exhibits. Written objections to any such witness, exhibit, or deposition designation by the opposing party must be filed and served by May 2, 2025. All exhibits on the joint list shall be admitted into evidence at trial without further proof, except for objections to relevance. Written objections to exhibits will be taken up either at the beginning or during the course of the actual trial or at any pretrial conference.

7. Parties must file proposed findings of fact and conclusions of law by May 16, 2025.

8. Parties must file and serve trial briefs on disputed issues of law by May 16, 2025.

9. Parties must file any motions *in limine* by May 16, 2025.

10. A Joint Pretrial Order in compliance with Local District Court Rule 16.4 shall be filed, served, and uploaded for Court entry by May 16, 2025. All counsel are responsible for preparing the Joint Pretrial Order, which shall contain the following: (a) a summary of the claims and defenses of each party; (b) a statement of stipulated facts; (c) a list of the contested issues of fact; (d) a list of contested issues of law; (e) an estimate of the length of trial; (f) a list of additional matter which would aid in the disposition of the case; and (g) the signature of each attorney.

11. The final pretrial conference shall occur one week before Docket Call.

12. Docket call shall take place on a date to be established by the Court.

13. Trial is set to commence on a date to be established by the Court.[2]

---

[2] The Defendants have not consented to entry of final judgment by the Bankruptcy Court, and therefore state that the date on which trial is set to commence will be determined by the availability of trial dates of the assigned

14. Except as otherwise set forth herein, the parties are granted leave to agree to modify any of the dates set forth in this Order without further order of the Court. However, the parties may not modify any hearing date or the date of a final submission by any party prior to any hearing date without further order of the Court.

15. Sanctions may be imposed for failure to comply with this Order.

END OF ORDER###

district court in the Northern District of Texas. Nothing in this Scheduling Order shall be construed as waiver of either Party's right to not consent or withdraw consent to trial proceeding in and entry of final judgment by this Court.

/s/ Ryan C. Hardy

NELSON MULLINS RILEY & SCARBOROUGH LLP
Jacob Sparks (State Bar 24066126)
5830 Granite Parkway, Suite 1000
Plano, Texas 75024
Telephone: (469) 484-4758
Facsimile: (469) 828-7217
Email: Jacob.Sparks@NelsonMullins.com

Local Counsel for Intercity Investment Properties, Inc.

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 S. 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

/s/ J. Gregory Taylor

DIAMOND MCCARTHY LLP
Allan B. Diamond (State Bar No. 05801800)
Stephen T. Loden (State Bar No. 24002489)
Christopher D. Johnson (State Bar No. 24012913) 909 Fannin, Suite 3700 Houston, Texas 77010 Telephone: (713) 333-5100
adiamond@diamondmccarthy.com
sloden@diamondmccarthy.com
chris.johnson@diamondmccarthy.com

Counsel to Leif M. Clark, solely in his capacity as the Trustee of the Edgemere Litigation Trust

DIAMOND MCCARTHY LLP
J. Gregory Taylor (State Bar No. 19706100)
Mark A. Sales (State Bar No. 17532050)
Drew Jones (State Bar No. 24083269)
2711 N. Haskell Avenue, Suite 3100
Dallas, Texas 75204
Telephone: (214) 389-5300
gtaylor@diamondmccarthy.com
msales@diamondmccarthy.com
drew.jones@diamondmccarthy.com

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: Jun 28, 2024 Form ID: pdf012 Total Noticed: 4

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 Jun 30, 2024:

Recip ID		Recipient Name and Address
aty	+	James Michael McCown, Vassar, McCown, Dear & Sicotte, L.L.P., 15851 Dallas Parkway, Suite 525, Addison, TX 75001-3544
aty	+	Ryan C. Hardy, Levenfeld Pearlstein, LLC, 120 S. Riverside Plaza, Suite 1800, Chicago, IL 60606-3911
intp	+	Lane Gorman Trubitt, LLC, 2626 Howell Street, Suite 700, Dallas, TX 75204-4081
res	+	The Dallas Morning News, Inc., 1954 Commerce Street, Dallas, tx 75201-5205

TOTAL: 4

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).

NONE

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: Jun 30, 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 June 28, 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 Counter-Defendant Leif M. Clark Trustee of the Edgemere Litigation Trust chris.johnson@diamondmccarthy.com, nan.sauter@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

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;srabuck@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;srabuck@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;srabuck@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 Trustee Leif M. Clark Trustee of the Edgemere Litigation Trust gtaylor@diamondmccarthy.com, cburrow@diamondmccarthy.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

Jacob Sparks
on behalf of Counter-Claimant Kong Capital LLC jacob.sparks@nelsonmullins.com, sue.langley@nelsonmullins.com

Jacob Sparks
on behalf of Defendant Intercity Investment Properties Inc. jacob.sparks@nelsonmullins.com, sue.langley@nelsonmullins.com

Jacob Sparks
on behalf of Counter-Claimant Intercity Investment Properties Inc. jacob.sparks@nelsonmullins.com, sue.langley@nelsonmullins.com

James P. Muenker
on behalf of Interested Party Lifespace Communities Inc. james.muenker@us.dlapiper.com, james-muenker-0904@ecf.pacerpro.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: 29