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NELSON MULLINS RILEY & SCARBOROUGH LLP
Jacob Sparks (State Bar No. 24066126)
5830 Granite Parkway, Suite 1000
Plano, Texas 75024
Telephone: (469) 484-4758
Facsimile: (469) 828-7217

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

LEVENFELD PEARLSTEIN, LLC
Elizabeth B. Vandesteeg, Esq.
(admitted *pro hac vice*)
Ryan C. Hardy, Esq.
(admitted *pro hac vice*)
Eileen M. Sethna, 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.*,	Chapter 11
Debtors.[1]	Case No. 22-30659 (MVL)
Leif M. Clark, Trustee of the Edgemere Litigation Trust,	
Plaintiff,	
v.	Adv. No. 22-03040 (MVL)
Intercity Investment Properties, Inc., and Kong Capital, LLC,	
Defendants.	

JOINT MOTION TO MODIFY 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 ("SQLC") (2669). The Debtors' mailing address is 8523 Thackery Street, Dallas, Texas 75225.

TO THE HONORABLE MICHELLE V. LARSON, UNITED STATES BANKRUPTCY JUDGE:

Defendants Intercity Investment Properties, Inc. ("**ICI**") and Kong Capital, LLC ("**Kong**, referred to collectively with ICI as the "**Defendants**"), jointly with Plaintiff Leif M. Clark, solely in his capacity as Trustee of the Edgemere Litigation Trust (the "**Plaintiff**," or the "**Trustee**," referred to collectively with Defendants as the "***Parties***"), bring this *Joint Motion to Modify the Scheduling Order* for cause under rules 15(a) and 16(b)(4) of the Federal Rules of Civil Procedure (the "**Rules**"), applicable here by operation of rules 7015 and 7016 of the Federal Rule of Bankruptcy Procedure (the "**Bankruptcy Rules**"). In support of this Motion, the Parties state:

1. By this Motion, the parties seek leave to extend the fact discovery deadline for the limited purpose of extending the time to depose Jesse Jantzen, Nick Harshfield, and the corporate designees of Northwest Senior Housing Corporation and Lifespace Communities, Inc. (together, the "Remaining Witnesses"), up to and including September 1, 2024. **No other changes to the existing schedule are proposed**.

2. The Plaintiff's predecessor in interest, Northwest Senior Housing Corporation, filed this adversary proceeding on April 14, 2022. (ECF 1).

3. The current order governing scheduling matters in this Case, appearing on the docket at ECF 342 (as modified by ECF 355, ECF 461, ECF 514, and 532) (the "**Scheduling Order**") calls for the close of oral fact discovery on or by August 23, 2024, with additional dates and deadlines following thereafter.

4. The parties are prepared to conclude their fact discovery depositions on or by the existing deadline, and Defendants have served the Remaining Witnesses with subpoenas compelling their attendance at deposition within the existing deadline.

5. However, counsel for the Remaining Witnesses advises that the dates currently set for the Remaining Witnesses' depositions are inconvenient for the Remaining Witnesses, and that any convenient dates fall after the existing deadline for the completion of fact discovery.

6. Accordingly, and to accommodate the Remaining Witnesses, the parties seek to extend the fact discovery deadline for the limited purpose of permitting the Remaining Witnesses to be deposed on or by September 1, 2024. For clarity, the parties seek to extend the deadline *solely* as to the depositions for the Remaining Witnesses; all other fact depositions shall be completed within the existing time allotted.

WHEREFORE, the Parties respectfully request that the Court enter an order substantially in the form of the accompanying proposed order, and that the Court enter such other or additional relief as it may deem just and appropriate in the circumstances.

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Dallas, Texas
July 26, 2024

/s/ Ryan C. Hardy

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.

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: jsparks@lplegal.com

Local Counsel for Intercity Investment Properties, Inc.

and

/s/ J. Gregory Taylor

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

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

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
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In re:	)	
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Northwest Senior Housing Corporation, *et al.*,	)	Chapter 11
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Debtors.[1]	)	Case No. 22-30659 (MVL)
	)	
Leif M. Clark, Trustee of the Edgemere Litigation Trust,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Adv. No. 22-03040 (MVL)
	)	
Intercity Investment Properties, Inc., and Kong Capital, LLC,	)	
	)	
Defendants.	)	
	)	

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 ("SQLC") (2669). The Debtors' mailing address is 8523 Thackery Street, Dallas, Texas 75225.

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, *provided however* that the depositions of Jesse Jantzen, Nick Harshfield, and corporate designees of Northwest Senior Housing Corporation and Lifespace Communities, Inc. may be completed on or by September 1, 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.[1]

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###

[1] 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 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.