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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 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)

PLAINTIFF'S OPPOSED MOTION FOR EXPEDITED HEARING ON MOTION TO MODIFY THE SCHEDULING ORDER [DKT. NO. 545]

[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.

Plaintiff Leif M. Clark, Trustee of the Edgemere Litigation Trust ("Plaintiff") hereby requests that an expedited hearing on the Motion to Modify Scheduling Order [Dkt. No. 545] (the "Motion") be set for a hybrid, Webex hearing on the week of September 16, 2024, or such other date or time that is available and convenient for the Court, prior to the September 24, 2024, deadline the Motion seeks to modify. Defendants are opposed to this request.

In support of its request for an expedited hearing on the Motion, Plaintiff states:

1. The instant motion to expedite is being filed in accordance with the Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas, Appendix E, "Procedures for Obtaining Hearings in Complex Chapter 11 Cases," Article IV.

2. As set forth more fully in the Motion, Plaintiff seeks an order from this Court modifying the scheduling order to extend the deadline to exchange any supplemental or amended expert witness list and expert reports required by FRCP 26(a)(2), the deadline to exchange any rebuttal expert reports, the deadline to complete expert discovery, and adjust the remaining Scheduling Order in accordance with the proposed 6th Amended Scheduling Order.

3. Under the current scheduling order (the "Scheduling Order," ECF No. 532), supplemental or amended expert witness list and expert reports required by FRCP 26(a)(2) are due to be exchanged on or by September 24, 2024 and the parties must exchange any rebuttal expert reports by November 15, 2024. Expert discovery is to be completed by November 29, 2024. Plaintiff seeks entry of an order modifying the scheduling order to extend the Plaintiff's deadline to designate his experts and provide expert reports because (1) Plaintiff's experts need additional time to review deposition testimony, which only concluded on August 28, 2024; (2) Baupost needlessly designated Taylor Banks' deposition testimony and exhibits as "Attorneys-Eyes Only" preventing Plaintiff from sharing this testimony and exhibits with its experts until recently; and (3) the complications imposed by the capital expenditure dispute between ICI and Bay 9.

4. Plaintiff has accommodated Defendants' many requests for adjusting the scheduling order, yet, Defendants have refused to provide the same courtesy. No prejudice exists for extending these deadlines as there is currently no trial setting. Defendants are opposed to extending the deadlines and are also opposed to this motion to expedite.

5. Thus good and sufficient cause exists to grant this motion to expedite the hearing on Plaintiff's Motion and set the hearing on the Motion for the week of September 16, 2024, or another date or time that week that is available and convenient for the Court. Plaintiff requests a hearing in advance of the September 24, 2024 deadline.

WHEREFORE, Plaintiff requests that the Court enter an order on this motion to expedite, (a) setting a hearing on the Motion for the week of September 16, 2024, and (b) granting any other further relief the Court deems appropriate under the circumstances.

September 11, 2024

Respectfully submitted,

DIAMOND McCARTHY LLP

/s/ J. Gregory Taylor

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– and –

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that, on September 9, 2024, he communicated with counsel for Defendants regarding the relief sought in the present motion, and counsel for Defendants is opposed to such relief.

/s/ J. Gregory Taylor
J. Gregory Taylor

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of September 2024, a true and correct copy of the foregoing was served electronically on all persons via the Court's CM/ECF system.

/s/ *J. Gregory Taylor*
J. Gregory Taylor

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)
Northwest Senior Housing Corporation, *et al*. Plaintiff, v Intercity Investment Properties, Inc., and Kong Capital LLC	Adv. Pro. No. 22-03040 (MVL)

ORDER SETTING EXPEDITED HEARING ON MOTION TO MODIFY THE SCHEDULING ORDER [DKT. NO. 545]

[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.

This matter came before the Court on *Plaintiff's Motion to Modify the Scheduling Order* (the "Motion to Modify"), this Court having jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334; and this Court having found that this is a core proceeding under 28 U.S.C. § 157(b)(2); and this Court having found that venue of this proceeding and the Motion in this District is proper under 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and after due deliberation and it appearing that good and sufficient cause exists to grant the relief requested in the Motion,

IT IS HEREBY ORDERED THAT:

1. The Motion is Granted, and a hybrid, Webex hearing will be held on *Plaintiff's Motion to Modify the Scheduling Order* [Adv. Dkt. No. 545] on _____, 2024, at _____.

2. The Court retains jurisdiction with respect to all matters arising from or relating to the implementation, interpretation, and enforcement of this Order.

END OF ORDER # #

SUBMITTED BY:

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