

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:  
TOUSA, INC., *et al.*,

Debtors.

OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS OF TOUSA, INC., *ET AL.*,

Plaintiffs,

vs.

CITICORP NORTH AMERICA, INC., *ET AL.*,

Defendants.

Chapter 11 Cases

Case No. 08-10928-JKO

Jointly Administered

**Adv. Pro. No. 08-1435-JKO**

**PLAINTIFF'S DESIGNATION OF ADDITIONAL ITEMS FOR RECORD ON APPEAL**

Plaintiff, the Official Committee of Unsecured Creditors of TOUSA, Inc., *et al.* ("Plaintiff"), hereby files this Designation of Additional Items for Record on Appeal pursuant to Federal Rule of Bankruptcy Procedure 8006 and Local Rule 8006-1, relating to the Notice of Appeal filed by the Senior Transeastern Lenders [D.E. #994], and the Senior Transeastern Lenders' Designation of Record and Statement of Issues on Appeal [D.E. #1025].

Plaintiff designates for inclusion in the record on appeal the additional docket entries listed below:

**Docket Entries From Adv. Pro. No. 08-01435**

<b>Date Filed</b>	<b>D.E. #</b>	<b>Document Description</b>
10/20/09	0666	Second Lien Agent and Lenders' Motion to Stay Pending Appeal and Approval of a Supersedeas Bond
10/20/09	0667	Memorandum of Law in Support of Second Lien Agent and Lenders' Motion for Stay Pending Appeal and Approval of a Supersedeas Bond
10/20/09	0669	Motion for Stay Pending Appeal by Citicorp North America, Inc.
10/20/09	0672	Order Setting Dates for Post-Judgment Filings
10/20/09	0674	Election to Appeal to District Court by Senior Transeastern Lenders
10/21/09	0678	Notice of Appeal of the Second Lien Agent and Lenders
10/21/09	0679	Notice of Appeal by Citicorp North America, Inc.
10/21/09	0680	Notice of Appeal of the Senior Transeastern Lenders
10/22/09	0682	Debtors' Motion for Guidance Regarding the Accounting of the Value of the Remaining Assets of the Conveying Subsidiaries, and for an Extension of Time for that Valuation to be Completed
10/23/09	0694	Second Lien Agent and Lenders Disclosure of Payments Subject to Disgorgement Pursuant to Final Judgment
10/23/09	0695	Opposition of the Official Committee of Unsecured Creditors to Defendants' Motions for Stay Pending Appeal
10/23/09	0697	First Lien Term Loan Lenders' Accounting of Amounts Ordered to be Disgorged
10/23/09	0699	[Proposed] Amended Findings of Fact and Conclusions of Law
10/23/09	0700	[Blacklined Proposed] Amended Findings of Fact and Conclusions of Law
10/23/09	0701	Final Judgment Between the Official Committee of Unsecured Creditors of TOUSA, Inc., et al., and Citicorp North America, Inc., et al.
10/23/09	0702	[Proposed] Amended Final Judgment Between the Official Committee of Unsecured Creditors of TOUSA, Inc., et al., and Citicorp North America, Inc., et al.
10/29/09	0718	Order Amending Certain Post-Judgment Dates
10/30/09	0727	Order on Debtors' Motion for Guidance Regarding the Accounting of the Value of the Remaining Assets of the Conveying Subsidiaries, and for an Extension of Time for that Valuation to be Completed
11/5/09	0734	Transcript of Hearing Held on October 15, 2009
11/5/09	0735	Transcript of Hearing Held on October 26, 2009
11/13/09	0756	Order Concerning Certain Bond Issues
11/18/09	0764	Second Lien Agent and Lenders Second Amended Disclosure of Payments Subject to Disgorgement Pursuant to Final Judgment
11/20/09	0770	Second Lien Agent and Lenders Third Amended Disclosure of Payments Subject to Disgorgement Pursuant to Final Judgment
12/7/09	0781	Documents Under Seal

<b>Date Filed</b>	<b>D.E. #</b>	<b>Document Description</b>
12/9/09	0782	Notice of Filing First Lien Term Loan Lenders' Corrected Accounting of Amounts Ordered to be Disgorged
12/9/09	0783	Motion to Modify Order for Stay Pending Appeal
12/14/09	0786	Plaintiff's Response to Motion to Modify Order for Stay Pending Appeal
12/30/09	0837	Order Granting Motion to Modify Order for Stay Pending Appeal
2/2/10	0892	Transcript of Hearing Held on January 11, 2010
4/14/10	0962	Transcript of Hearing Held on March 18, 2010
5/14/10	0980	Stipulation Concerning Allocation of Certain First Lien Term Loan and Second Lien Term Loan Professional Fees
5/28/10	0986	Order Granting Final Judgment on Counts VII-XVIII of the Third Amended Complaint
6/7/10	0997	Election to Appeal to District Court Filed by Defendant Senior Transeastern Lenders
6/7/10	0998	Election to Appeal to District Court Filed by Defendant Senior Transeastern Lenders
6/11/10	1013	Election to Appeal to District Court
6/11/10	1014	Election to Appeal to District Court
6/15/10	1017	Designation of Record and Statement of Issues on Appeal with Respect to the Appeal from the Order Granting in Part Motion to Set Payment Amounts as Against the Senior Transeastern Lenders
6/16/10	1018	Transcript of Hearing Held on May 17, 2010

#### **Docket Entries from Case No. 10-CV-60017**

The Committee does not believe that Rule 8006 requires the Clerk of this Court to assemble a record for appeal from materials on the District Court docket. However, without waiving any right to refer to other documents filed in the District Court in Case No. 10-CV-60017 or any of the other related appeals in the District Court, the Committee makes the following designations from Case No. 10-CV-60017 for the record on appeal:

<b>Date Filed</b>	<b>D.E. #</b>	<b>Document Name</b>
3/5/10	0033	Motion of the Official Committee of Unsecured Creditors to Consolidate Related Appeals
3/10/10	0034	Order Requiring Submission; Setting Motion for Discussion at March 19, 2010 Oral Argument [re: Docket No. 33]
3/12/10	0038	Response to Appellee's Motion to Consolidate Related Appeals by Citicorp North America, Inc.
3/15/10	0040	Opposition to Motion to Consolidate Related Appeals by Senior Transeastern Lenders (Group 2) [re: Docket No. 33]

<b>Date Filed</b>	<b>D.E. #</b>	<b>Document Name</b>
3/15/10	0042	Joint Submission of the Parties in Response to Court's February 17th Order
3/15/10	0043	Corrected Joint Submission of the Parties in Response to Court's February 17th Order by Senior Transeastern Lenders (Group 1)
3/15/10	0044	Submission Regarding Briefing Schedule as Required by This Court's February 17 Order
3/17/10	0056	Notice of Relevant Filing by Official Committee of Unsecured Creditors [re: Docket No. 24]
4/9/10	0067	Senior Transeastern lenders' Response to Judge Jordan's Direction Regarding Certain Consolidation Issues
4/9/10	0068	Notice of Related Decision by Official Committee of Unsecured Creditors
4/9/10	0069	Third Party Defendant-Appellee TOUSA Inc., et al.'s Notice of Consent to Consolidation of Related Appeals
4/9/10	0070	Non-Party First Lien Lenders' Notice of Relevant Filing
4/9/10	0071	Senior Transeastern Lenders' (Group 2) Response to Judge Jordan's Direction Regarding Certain Consolidation Issues
4/14/10	0072	Reply of the Official Committee of Unsecured Creditors to the Senior Transeastern Lenders' Response to Judge Jordan's Direction Regarding Certain Consolidation Issues
4/14/10	0073	Amended Reply of the Official Committee of Unsecured Creditors to the Senior Transeastern Lenders' Response to Judge Jordan's Direction Regarding Certain Consolidation Issues
6/15/10	0084	Notice of Relevant Decision by Senior Transeastern Lenders
6/18/10	0086	Reply in Support of Motion of First Lien Lenders for Intervention by Citicorp North America, Inc.
6/30/10	0097	Notice of Relevant Filing by Citicorp North America, Inc.

Dated: July 9, 2010

I HEREBY CERTIFY that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications in this Court set forth in Local Rule 2090-1(A)

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I HEREBY CERTIFY that the undersigned attorneys are appearing *pro hac vice* in this matter pursuant to court order dated July 10, 2008 [D.E. 1360, 1362, 1363 in Ch. 11 No. 08-10928]

/s/ Michael L. Waldman

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### **CERTIFICATE OF SERVICE**

I hereby certify that on July 9, 2010, the foregoing Designation was filed electronically with the Clerk of the Court, and served via Notice of Electronic Filing upon registered ECF users through the Court's CM-ECF system. I further certify that I caused copies of the foregoing Designation to be served by email upon all parties named on the attached Service List.

/s/ Patricia A. Redmond  
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