

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.*,

Plaintiff ,

vs.

TECHNICAL OLYMPIC, S.A., *et al.*,

Defendants.

Chapter 11 Cases

Case No. 08-10928-JKO

Jointly Administered

**Adv. Pro. No. 09-01616-JKO**

**EX PARTE MOTION OF THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS OF TOUSA, INC., ET AL.  
TO SERVE UNREDACTED ADVERSARY PROCEEDING COMPLAINT**

The Official Committee of Unsecured Creditors of TOUSA, Inc., *et al.* (the “Committee”) hereby seeks entry of an order, in substantially the form annexed hereto as Exhibit A, authorizing the Committee to serve the Defendants in the above-referenced Adversary Proceeding (the “Adversary Proceeding”) with the unredacted version of the Adversary Proceeding Complaint. By Order dated June 9, 2009 (D.E.# 2850), this Court granted the Committee’s motion to file the Adversary Proceeding Complaint under seal, and to file redacted versions of the Adversary Proceeding Complaint and supporting documents on the Court’s public docket. On June 11, 2009, pursuant to the Stipulated

Protective Order entered by this Court on August 12, 2008 (D.E. # 1591), the Committee notified all counsel in the instant Chapter 11 proceedings in writing that it was in the process of serving the Defendants with the redacted Adversary Proceeding Complaint, and that in the absence of any objection, it intended to serve the Defendants with the unredacted version of the Adversary Proceeding Complaint by supplemental mailing. No party has objected to such service of the unredacted Adversary Proceeding Complaint.

WHEREFORE for the reasons set forth above, the Committee respectfully requests entry of an order, substantially in the form annexed hereto as Exhibit A, authorizing the Committee to serve the Defendants with the unredacted Adversary Proceeding Complaint and granting such further relief as the Court deems just, proper, and equitable.

Dated: September 25, 2009.

Respectfully submitted,

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 to practice in this court set forth in Local Rule 2090-1(A).

**STEARNS WEAVER MILLER WEISSLER  
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By: /s/ Patricia A. Redmond  
PATRICIA A. REDMOND  
Florida Bar No. 303739

-and-

We hereby certify that the undersigned attorneys are appearing pro hac vice in this matter pursuant to Court orders dated February 27, 2008 and March 3, 2008.

**AKIN GUMP STRAUSS HAUER & FELD LLP**

Daniel H. Golden (New York Bar No. 1133859)  
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*Co-Counsel to the Official Committee of Unsecured  
Creditors of TOUSA, Inc., et al.*

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**EXHIBIT A**

[PROPOSED ORDER]

UNITED STATES BANKRUPTCY COURT  
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Chapter 11 Cases

Case No. 08-10928-JKO

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**Adv. Pro. No. 09-01616-JKO**

**ORDER GRANTING *EX PARTE* MOTION OF THE OFFICIAL  
COMMITTEE OF UNSECURED CREDITORS OF TOUSA, INC., ET AL.  
TO SERVE UNREDACTED ADVERSARY PROCEEDING COMPLAINT**

This matter came before the Court, without hearing, upon the motion [D.E. \_\_\_\_] dated September 25, 2009, of The Official Committee of Unsecured Creditors of TOUSA, Inc., *et al.* (the "Committee") for entry of an Order authorizing the Committee to serve the Defendants in the Adversary Proceeding with the unredacted Adversary Proceeding Complaint (the "Motion"), and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and

consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that the relief requested in the Motion is necessary pursuant to the Stipulated Protective Order entered by this Court on August 12, 2008 (D.E.# 1591); and due and proper notice of the motion having been provided and it appearing that no other or further notice need be provided; and after due deliberation and sufficient cause appearing therefore, it is **ORDERED** that:

1. The relief requested in the Committee's Motion is GRANTED.
2. The Committee is authorized to serve the Defendants in the Adversary Proceeding with the unredacted Adversary Proceeding Complaint.
3. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

# # #

**Submitted by, and Copy to:**

**STEARNS WEAVER MILLER WEISSLER  
ALHADEFF & SITTERSON, P.A.**

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*(Attorney Redmond shall upon receipt serve a copy of this Order upon all interested parties and file a certificate of service.)*