

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

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

Debtors.

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

Plaintiff,

vs.

TECHNICAL OLYMPIC, S.A.;
KONSTANTINOS STENGOS; ANTONIO
MON; TOMMY MCADEN; ANDREAS
STENGOS; GEORGE STENGOS; LARRY
HORNER; WILLIAM HASLER; MICHAEL
POULOS; MARIANNA STENGOU; SUSAN
PARKS; J. BRYAN WHITWORTH; PAUL
BERKOWITZ; CANDACE CORRA; RUSSELL
DEVENDORF; BRIAN KONDERIK; TOM
MCANDREW; DAVE SCHOENBORN;
GORDON STEWART; and STEPHEN
WAGMAN,

Defendants.

Chapter 11 Cases

Case No. 08-10928-JKO

Jointly Administered

Adv. Pro. No. 09-01616

**EX PARTE MOTION OF THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF TOUSA, INC., ET AL. TO MODIFY DEADLINE**

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, setting a deadline of November 9, 2009, for Defendants in the above-referenced Adversary Proceeding (the “Adversary Proceeding”) who were served on or before October 9, 2009, within

a judicial district of the United States, to file an answer or other responsive pleading in this action.¹

By Order dated June 11, 2009 (D.E.# 2850), this Court granted the Committee's motion to suspend the Adversary Proceeding deadlines until thirty days from the "conclusion of the trial, including any posttrial (but pre-judgment) submissions" in the related adversary proceeding. The trial in Adversary Proceeding No. 08-1435 (JKO) concluded on September 4, 2009, when the parties submitted their post-trial briefs, and all applicable deadlines therefore ceased to be suspended thirty days from that date.

The Committee has notified all Group 1 Defendants, that the suspension of deadlines in the instant action has ceased, and has further notified them that the Committee agrees to extend their time to answer or otherwise respond to the Adversary Proceeding Complaint until November 9, 2009.

WHEREFORE for the reasons set forth above, the Committee respectfully moves that the Court enter an order, substantially in the form annexed hereto as Exhibit A, that modifies the deadline for the Group 1 Defendants, to file an answer or other responsive pleading in the Adversary Proceeding to November 9, 2009.

¹ The requested order would apply to the following defendants: Tommy McAden, William Hasler, Susan Parks, Paul Berkowitz, Candace Corra, Russell Devendorf, Brian Konderik, Tom McAndrew, Dave Schoenborn, Gordon Stewart, and Stephen Wagman (collectively, the "Group 1 Defendants")

Dated: October 14, 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
ALHADEFF & SITTERSON, P.A.**

By: /s/ Patricia A. Redmond

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-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

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*Co-Counsel to the Official Committee of Unsecured
Creditors of TOUSA, Inc., et al.*

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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Plaintiff,

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POULOS; MARIANNA STENGOU;
SUSAN PARKS; J. BRYAN WHITWORTH;
PAUL BERKOWITZ; CANDACE CORRA;
RUSSELL DEVENDORF; BRIAN
KONDERIK; TOM MCANDREW; DAVE
SCHOENBORN; GORDON STEWART; and
STEPHEN WAGMAN,

Defendants.

Chapter 11 Cases

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ORDER GRANTING EX PARTE MOTION OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF TOUSA, INC., ET AL. TO MODIFY DEADLINE

Upon consideration of the Ex Parte motion dated October 14, 2009, of The Official Committee of Unsecured Creditors of TOUSA, Inc., *et al.* (the "Committee") for entry of an Order extending the deadline until November 9, 2009, for all Defendants in the above-referenced Adversary Proceeding (the "Adversary Proceeding") who were served on or before October 9, 2009, within a judicial district of the United States, to file an answer or other responsive pleading (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 after due deliberation and sufficient cause appearing therefore, it is **ORDERED** that:

1. The Motion is GRANTED.
2. The docket will reflect that Defendants in the Adversary Proceeding served on or before October 9, 2009, within a judicial district of the United States, must file an answer or other responsive pleading by November 9, 2009.
3. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

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Submitted by:

Patricia A. Redmond (Florida Bar No. 303739)

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-and-

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Philip C. Dublin (New York Bar No. 2959344)

AKIN GUMP STRAUSS HAUER & FELD LLP

Co-Counsel to the Official Committee of Unsecured Creditors of TOUSA, Inc., et al.

(Attorney Redmond is directed to serve a conformed copy of this Order on all parties entitled to same and to file a certificate of service with the Court.)