



**ORDERED** in the Southern District of Florida on February 26, 2009.

**John K. Olson, Judge**  
**United States Bankruptcy Court**

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**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.

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

Defendants.

Chapter 11 Cases

Case No. 08-10928-JKO

Jointly Administered

Adv. Pro. No. 08-1435-JKO

**ORDER DENYING COMMITTEE'S MOTION TO OVERRULE OBJECTIONS AND TO  
ENFORCE SUBPOENAS SERVED ON ERNST & YOUNG**

This matter came before the Court for hearing on February 26, 2009, upon the Official committee of Unsecured Creditors' Motion to Overrule Objections and to Enforce Subpoenas Served on Ernst & Young (D.E. 249). The Court has read and considered the Motion and all papers submitted in support of and in opposition to the Motion, and has heard and considered the arguments of counsel. Good cause appearing, it is ORDERED and ADJUDGED:

1. The Committee's Motion is DENIED. Subpoenaed witness Peter Wellman shall appear for deposition on March 18, 2009, and subpoenaed witness Angela Christie shall appear for deposition on March 19, 2009, at the locations, and at the start times, specified in the subpoenas served upon them.

2. The Amended Case Management and Scheduling Order for Adversary Proceeding (D.E. 158) is amended as follows and only as follows. Under Paragraph IV (A) of the Amended Case Management and Scheduling Order, Plaintiff's expert reports shall be served by April 6, 2009, Defendants' expert reports shall be served by April 27, 2009, and Plaintiff's rebuttal expert reports shall be served by May 8, 2009.

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Submitted by:

**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.)*