

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.*,

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 JOINDER IN THE THIRD-PARTY DEFENDANTS' MOTION
TO STRIKE THE THIRD-PARTY COMPLAINTS BY CIT GROUP AND
THE SENIOR TRANSEASTERN LENDERS**

Plaintiff, the Official Committee of Unsecured Creditors Of TOUSA, Inc., *et al.* (the "Committee"), hereby joins in the Third Party Defendants' Motion to Strike the Third-Party Complaints by Third-Party Plaintiffs CIT Group and the Senior Transeastern Lenders (D.E. # 311). For this reasons set forth therein, these Third-Party Complaints (D.E. #259, D.E. # 260, D.E. # 264, D.E. #265) were untimely, having been filed only eight business days before the close of fact discovery and more than five months after the deadline established by this Court for the filing of third-party complaints. Accordingly, the Committee joins in the Debtors request that this Court strike these Third-Party Complaints.

The Committee, however, does not agree with the suggestion that, in the alternative, the Third-Party Claims should be severed and stayed pending resolution of the underlying action. A staying of the Third-Party Claims will needlessly lead to further delay and costs. The prospect of a second proceeding to address these Third-Party Claims makes little sense, requiring the parties and witnesses to have to return later to deal with these claims which overlap with the facts and evidence relevant to the fraudulent conveyance counts. Rather, should the Court deny the Motion to Strike and allow these untimely Third-Party Complaints to go forward, then the most efficient approach would be to have them heard along with the rest of the adversary proceedings issues at the upcoming July trial.

Dated: May 18, 2009

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)

/s/ Patricia A. Redmond

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Local Counsel to the Fraudulent Conveyance Adversary Proceeding Counsel for the Official Committee of Unsecured Creditors of TOUSA, Inc., et al.

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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