

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.

FALCONE/TEP HOLDINGS, LLC f/k/a
FALCONE/RITCHIE LLC, *et al.*
Defendants.

Chapter 11 Cases

Case No. 08-10928-JKO

Jointly Administered

Adv. Pro. No. 10-02125-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 January 22, 2010 (D.E.# 4410), 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 January 26, 2010, the Committee notified all counsel to the parties to the Stipulated Protective Order entered on August 12, 2008 (D.E. #1591) in the Chapter 11 proceedings by

electronic mail that the Committee was in the process of serving the Defendants with the redacted Adversary Proceeding Complaint, and that in the absence of any objection, the Committee intended to make the motion herein to serve the Defendants with the unredacted version of the Adversary Proceeding Complaint by supplemental mailing. None of the parties, including the Debtors, objected to 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: January 28, 2010

Respectfully submitted,

I hereby certify that the undersigned attorneys are appearing *pro hac vice* in this matter pursuant to Court orders dated November 6, 2009, February 27, 2008, March 3, 2008 and January 11, 2010.

AKIN GUMP STRAUSS HAUER & FELD LLP

By: /s/ Jessica S. Budoff

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TOUSA, Inc., et al.*

EXHIBIT A

In re:
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OFFICIAL COMMITTEE OF UNSECURED
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Plaintiff,

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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 SERVE UNREDACTED ADVERSARY PROCEEDING COMPLAINT

This matter came before the court, without hearing, upon the motion [D.E. ____] dated January 28, 2010, 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.

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Respectfully submitted by:

AKIN GUMP STRAUSS HAUER & FELD LLP

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