

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 RESPONSE TO MOTION TO MODIFY ORDER
FOR STAY PENDING APPEAL**

Plaintiff, the Official Committee of Unsecured Creditors Of TOUSA, Inc., *et al.*, (“Plaintiff” or the “Committee”) respectfully submits this response to the Motion to Modify Order For Stay Pending Appeal filed by Citicorp North America, Inc., and certain First Lien Term Loan Lenders (“First Lien Lenders”). (Dckt. # 783) (“Motion”). Plaintiff does not oppose the First Lien Lenders’ request to modify the Stay Order to change the aggregate amount of bonds to be posted in light of their filing a Corrected Accounting of Amounts Ordered To Be Disgorged (“Corrected Accounting”). However, in doing so Plaintiff wishes to make clear that it is in no way agreeing to the correctness of the amounts set forth in the First Lien Lenders’ Corrected Accounting. In fact, Plaintiff has serious questions about the Corrected Accounting

and has requested supporting information from counsel for the First Lien Lenders. Plaintiff recently was informed that documentation relating to the allocation of professional fees will not be provided until December 22nd. Accordingly, while not objecting to this motion to modify the bond amounts in the Stay Order, Plaintiff reserves all rights to object to the amounts set forth in the Corrected Accounting in the future, including the right to seek a modification of the bond amounts as appropriate.

Dated: December 14, 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

PATRICIA A. REDMOND

(Florida Bar No. 303739)

DAVID C. POLLACK

(FLORIDA BAR NO. 362972)

STEARNS WEAVER MILLER WESSLER

ALHADEFF & SITTERSON, P.A.

150 West Flagler Street

Miami, FL 33130

Telephone: (305) 789-3553

Facsimile: (305) 789-3395

predmond@swmwas.com

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/ Lawrence S. Robbins

LAWRENCE S. ROBBINS *pro hac vice*

(D.C. Bar No. 420260)

ALAN D. STRASSER *pro hac vice*

(D.C. Bar No. 967885)

MICHAEL L. WALDMAN *pro hac vice*

(D.C. Bar No. 414646)

ROBBINS, RUSSELL, ENGLERT, ORSECK,

UNTEREINER & SAUBER LLP

1801 K Street N.W., Suite 411-L

Washington, DC 20006

Telephone: (202) 775-4500

Facsimile: (202) 775-4510

lrobbins@robbinsrussell.com

astrasser@robbinsrussell.com

mwaldman@robbinsrussell.com

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

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2009, I caused a true and correct copy of the Response to Motion to Modify Order for Stay Pending Appeal to be served by Notice of Electronic Filing or by e-mail on the parties named on the attached Service List.

/s/ Patricia A. Redmond

Patricia A. Redmond

OCUC of TOUSA, Inc., et al. v. Citicorp North America, Inc., et al.
SERVICE LIST

Paul Steven Singerman, Esq. singerman@bergersingerman.com
BERGER SINGERMAN P.A., Local Counsel
200 S. Biscayne Blvd., Suite 1000 Telephone: 305.775.9500
Miami, FL 33131 Facsimile: 305.714.4340
– and –
Paul M. Basta, Esq. pbasta@kirkland.com
Richard M. Cieri, Esq. rcieri@kirkland.com
M. Natasha Labovitz, Esq. nlabovitz@kirkland.com
KIRKLAND & ELLIS, LLP
153 East 53 Street Telephone: 212.446.4800
New York, NY 10022 Facsimile: 212.446.4900
– and –
Jeffrey S. Powell, Esq. jpowell@kirkland.com
Matthew E. Papez mpapez@kirkland.com
Daniel T. Donovan ddonovan@kirkland.com
KIRKLAND & ELLIS, LLP
655 15 Street, NW Telephone: 202.879.5000
Washington DC 20005 Facsimile: 202.879.5200
Counsel for TOUSA, Inc., et al., Debtors / Third Party Defendants

Patricia A. Redmond, Esq. predmond@swmwas.com
David C. Pollack, Esq. dpollack@swmwas.com
STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON, P.A., Local Counsel
150 W. Flagler Street, Suite 2200 Telephone: 305.789.3200
Miami, FL 33130 Facsimile: 305.789.3395
– and –
Lawrence S. Robbins, Esq. lrobbins@robbinsrussell.com
Alan D. Strasser, Esq. astrasser@robbinsrussell.com
Michael L. Waldman, Esq. mwaldman@robbinsrussell.com
ROBBINS, RUSSELL, ENGLERT, ORSECK, UNTEREINER & SAUBER LLP,
1801 K Street, Suite 411-L Telephone: 202-775-4500
Washington, DC 20006 Facsimile: 202.775.4510
Fraudulent Conveyance Adversary Proceeding Special Counsel
– and –
Daniel H. Golden, Esq. dgolden@akingump.com
Philip C. Dublin, Esq. pdublin@akingump.com
AKIN GUMP STRAUSS HAUER & FELD LLP
590 Madison Avenue Telephone: (212) 872-1000
New York, NY 10022 facsimile: (212) 872-1002
Counsel for Official Committee of Unsecured Creditors of TOUSA, Inc., et al, Plaintiff

Allan E Wulbern, Esq.
Stephen D. Busey, Esq.
SMITH HULSEY & BUSEY
225 Water Street, Suite 1800
Jacksonville, FL 32202

awulbern@smithhulsey.com
busey@smithhulsey.com

Telephone: 904.359.7700
Facsimile: 904.359.7708

– and –

Richard Craig Prosser, Esq.
Harley Edward Riedel, Esq.
Amy D. Harris, Esq.
Edward Peterson, Esq.

rprosser@srbp.com
hriedel@srbp.com
aharris.ecf@srbp.com
epeterson@srbp.com

STICHTER, RIEDEL, BLAIN & PROSSER, P.A.

110 East Madison Street, Suite 200
Tampa, FL 33602-4718

Telephone: 813.229.0144
Facsimile: 813.229.1811

– and –

Joseph H. Smolinsky, Esq.

jsmolinsky@chadbourn.com

WEIL GOTSHAL

767 Fifth Avenue
New York, NY 10153

Telephone: 212.310.8767
Facsimile: 212.310.8007

Thomas J. Hall, Esq.
Seven R. Rivera, Esq.
Thomas J. McCormack, Esq.

thall@chadbourn.com
srivera@chadbourn.com
tmccormack@chadbourn.com

CHADBOURNE & PARKE LLP

30 Rockefeller Plaza
New York, NY 10112

Telephone: 212.408.5100
Facsimile: 212.541.5369

*Counsel for Citicorp North America, Inc., in its capacity as Administrative Agent for the First Lien Revolver and First Lien Term Loan Credit Agreement, **Defendant***

Scott L. Baena, Esq.
Matthew I. Kramer, Esq.
Jeffrey I Snyder, Esq.
BILZIN SUMBERG BAENA PRICE & AXELROD LLP, *Local Counsel*
200 S. Biscayne Blvd., Suite 2500
Miami, FL 33131

sbaena@bilzin.com
mkramer@bilzin.com
jsnyder@bilzin.com

Telephone: 305.374.7580
Facsimile: 305.374.7593

*Co-Counsel to Wells Fargo, as Successor Administrative Agent under that Certain Second Lien Term Loan Credit Agreement, and an Informal Group of Holders of Second Lien Term Loan Lenders, **Defendants***

Edward J. Estrada, Esq.
Jordan W. Siev, Esq.
John L. Scott, Esq.
REED SMITH LLP
599 Lexington Avenue, 22nd Floor

eestrada@reedsmith.com
jsiev@reedsmith.com
jscott@reedsmith.com

Telephone: 212.541.5400

New York, NY 10022

Facsimile: 212.541.5450

Counsel to Morgan Stanley Senior Funding, Inc., a Second Lien Term Loan Lender, Defendant
– and –

Evan D. Flaschen, Esq.

evan.flaschen@bgllp.com

Gregory W. Nye, Esq.

gregory.nye@bgllp.com

Richard Whiteley, Esq.

richard.whiteley@bgllp.com

Daynor M. Carman, Esq.

daynor.carman@bgllp.com

BRACEWELL & GIULIANI LLP

225 Asylum Street, Suite 2600

Telephone: 860.947.9000

Hartford, CT 06013

Facsimile: 860.246.3201

– and –

David M. Levine, Esq.

dml@teqlaw.com

Lawrence A. Kellogg, Esq.

lak@teqlaw.com

Robin J. Rubens, Esq.

rjr@teqlaw.com

Jeffrey C. Schneider, Esq.

jcs@teqlaw.com

TEW CARDENAS LLP

Four Seasons Tower, 15th Floor

Telephone: 305.539.2481 (direct dial)

1441 Brickell Avenue

Miami, FL 33131-3407

Facsimile: 305.536.1116

Local Counsel to several members of an Informal Group of Holders of Second Lien Term Loan Lenders, Defendants

John H. Genovese, Esq.

jgenovese@gjb-law.com

Paul J. Batista, Esq.

pbattista@gjb-law.com

Heather L. Yonke, Esq.

hylonke@gjb-law.com

GENOVESE JOBLOVE & BATTISTA, P.A., *Local Counsel*

100 SE 2 Street, 44 Floor

Telephone: 305.349.2300

Miami, FL 33131

Facsimile: 305.349.2310

– and –

David S. Rosner, Esq.

drosner@kasowitz.com

Andrew K. Glenn, Esq.

aglenn@kasowitz.com

Jeffrey R. Gleit, Esq.

jgleit@kasowitz.com

Daniel A. Fliman, Esq.

dfliman@kasowitz.com

John Minsker, Esq.

jminsker@kasowitz.com

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP

1633 Broadway

Telephone: 212.506.1700

New York, NY 10019

Counsel to Aurelius Named-Entities, GSO Named-Entities, and Carlyle Strategic Partners (collectively, the “Noteholders”), Defendants

Michael I Goldberg, Esq.
AKERMAN SENTERFITT, *Local Counsel*
350 East Las Olas Blvd., Suite 1600
Fort Lauderdale, FL 33301-2229
– and –

michael.goldberg@akerman.com

Telephone: 954.463.2700
Facsimile: 954.463.2224

Dennis F. Dunne, Esq.
Andrew M. LeBlanc, Esq.
Andrew Beirne, Esq.
Atara Miller, Esq.
Dennis C. O'Donnell, Esq.
David R. Eastlake, Esq.
MILBANK, TWEED, HADLEY & MCCLOY LLP
1 Chase Manhattan Plaza
New York, NY 10005

ddunne@milbank.com
aleblanc@milbank.com
abeirne@milbank.com
amiller@milbank.com
dodonnell@milbank.com
deastlake@milbank.com

Telephone: 212.530.5287
Facsimile: 212.530.5219 or 212.822.5057

Counsel for the "Senior Transeastern Lenders," Defendants

Ileana A. Cruz, Esq.
WHITE & CASE LLP
200 S. Biscayne Blvd., Suite 4900
Miami, FL 33131
– and –

icruz@whitecase.com

Telephone: 305.371.2700
Facsimile: 305.995.5289

Meghan McCurdy, Esq.
David G. Hille, Esq.
WHITE & CASE LLP
1155 Avenue of the Americas
New York, NY 10036

mmccurdy@whitecase.com
dhille@whitecase.com

Telephone: 212.819.8200
Facsimile: 212.354.8113

*Counsel for Deutsche Bank Trust Company Americas, Highland Named-Entities, Jasper CLO Ltd.,
Loan Funding VII LLC, Quadrangle Master Funding Ltd.*

Craig V. Rasile, Esq.
Mathew Mannering, Esq.
HUNTON & WILLIAMS LLP
1111 Brickell Avenue, Suite 2500
Miami, FL 33131
– and –

crasile@hunton.com
mmannering@hunton.com

Telephone: 305.810.2500
Facsimile: 305.810.2460

Gregory G. Little, Esq.
Ryan A. Becker, Esq.
HUNTON & WILLIAMS LLP
200 Park Avenue
New York, NY 10166

glittle@hunton.com
rbecker@hunton.com

Telephone: 212.309.1000
Facsimile: 212.309.1100

Counsel for CIT Group/ Business Credit, Inc.

Jerry M. Markowitz, Esq.
Rachel L. Rubio, Esq.
MARKOWITZ, DAVIS, RINGEL & TRUSTY, P.A.
9130 South Dadeland Boulevard, Suite 1225
Miami, FL 33156-7849
– and –

jmarkowitz@mdrtlaw.com
rrubio@mdrtlaw.com

Telephone: 305.670.5000
Facsimile: 305.670.5011

Joseph T. Baio, Esq.
WILKIE FARR & GALLAGHER PA
787 Seventh Avenue
New York, NY 10019-6099

jbaio@wilkie.com; sjones@wilkie.com;
mabrams@wilkie.com; and
dgibson@wilkie.com

Telephone: 212.728.8521
Facsimile: 212.728.9521

Counsel for AlixPartners LLP.

Steven Schneiderman, Esq.
OFFICE OF THE ASSISTANT UNITED STATES TRUSTEE
51 SW 1 Avenue, Suite 1204
Miami, FL 33130

steven.d.schneiderman@usdoj.gov

Telephone: 305.536.7285
Facsimile: 305.536.7360

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