

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION

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CLERK OF COURT

IN RE:

Debtor.

Plaintiff,

VS.

Defendants.

Bankruptcy Court Case
No. 10-43400 (DML 11)

Adversary No. 11-04124 (DML)

District Court Case
No. 4:12-CV-076-A

TO THE HONORABLE JOHN H. McBRYDE, UNITED STATES DISTRICT JUDGE:

The parties JPMorgan Chase Bank, N.A., as First Lien Agent acting at the direction of Requisite Lenders (“JPMorgan”), Thomas O. Hicks and HSG Sports Group Holdings LLC (the “Hicks Defendants”), Texas Rangers Baseball Partners (“TRBP”), and Alan M. Jacobs, in his capacity as the Plan Administrator and Disbursing Agent (the “Plan Administrator” and, collectively, the “Parties”), through their respective counsel, file this Joint Motion asking the Court to extend the trial date by approximately six weeks, and the attending dates thereto, for the reasons discussed below.

1. On May 29, 2012, the Court entered the “Order Setting Schedule And Providing Special Pretrial Instructions” (the “Scheduling Order”). (Scheduling Order, May 29, 2012, ECF No. 8.)

**JOINT MOTION FOR A BRIEF
CONTINUANCE OF TRIAL DATE**

2. The Court ordered, *inter alia*, that “[t]his case is set for a jury trial the week of January 14, 2013” (“Jury Trial Date”). (Scheduling Order at p. 3.)

3. The Court also ordered that “[n]o later than Monday one week prior to the scheduled trial date each party shall file with the Clerk (i) a witness list, (ii) an exhibit list, (iii) an agreed summary . . . of portions of each deposition, other than portions to be offered by video, to be offered at trial” (“Witness List, Exhibit List, and Deposition List Date”). (*Id.* at p. 3.)

4. The Court further ordered that “[a] pretrial order in compliance with the attached special pretrial instructions shall be presented to the Court by 12:00 o’clock noon three (3) business days prior to the pretrial conference, which is hereby set for 10:30 a.m. on December 3, 2012” (“Pretrial Order Date” and, respectively, “Pretrial Conference Date”). (*Id.* at p. 2.)

5. Additionally, the Court ordered that, “[i]f there is a possibility that a party will use at trial any video or audio recording . . . such party shall notify the court of that fact no later than November 26, 2012” (“Date for Notification of Video or Audio Recordings”). (*Id.* at p. 5.)

6. The Court also ordered that “[a]ll discovery must be initiated in time to allow completion of discovery by November 9, 2012” (“Discovery Completion Date”). (*Id.* at p. 2.)

7. The Court further ordered that “[a]ny motion for summary judgment shall be filed at least ninety (90) days prior to the scheduled pretrial conference date” (“Last Date for Filing of Motion for Summary Judgment”). (*Id.*)

8. Finally, the Court ordered that “[e]ach party shall designate experts by filing a written designation . . . and make the disclosures required by Fed. R. Civ. P. 26(a)(2) by serving the required written reports at least 120 days before the pretrial conference date” (“Expert Designation and Report Date”). (*Id.* at p. 6.)

9. It is the belief of all Parties that a brief continuance of the January 14 trial date,

for a period of approximately six weeks, would facilitate the further exchange of information through briefly extending the period for discovery, and would prove beneficial to all Parties' understanding of the matters at issue in this litigation. JPMorgan, TRBP and the Hicks Defendants have been working diligently since late 2011 to conduct the discovery necessary to prepare their respective claims and defenses for trial. On June 19, 2012, the Court ordered that the Plan Administrator be joined in this action as a plaintiff (ECF No. 35); since that time, all Parties have continued to work diligently to conduct the discovery necessary for this litigation. In doing so, the Parties have engaged in a constructive dialogue as required by the Federal Rules of Civil Procedure, the applicable local rules, and the mandates of *Dondi*.

10. In addition, as explained in the Joint Report Regarding July 18, 2012 Settlement Conference (ECF No. 40), the Parties have begun good faith settlement discussions. The Parties believe that the short extension requested in this Joint Motion will be beneficial in continuing those discussions.

11. As the Parties' Joint Motion only requests a minor modification to the trial date and the attending dates thereto, the Parties' Joint Motion is not made for delay or improper purpose but rather so that justice may be done. Further, the Parties do not intend for the requested continuance to result in a substantial inconvenience to the Court.

12. As a result, the Parties therefore propose the following modification of dates, which would permit the Parties to continue exchanging potentially necessary information while not causing undue delay:

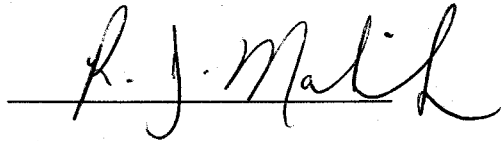
- a. Jury Trial Date [subject to the Court's schedule]: The week of February 25, 2013
- b. Witness List, Exhibit List, and Deposition List Date: February 18, 2013

- c. Pretrial Conference Date [subject to the Court's schedule]: January 21, 2013
- d. Pretrial Order Date: January 16, 2013
- e. Date for Notification of Video or Audio Recordings: January 14, 2013
- f. Discovery Completion Date: December 6, 2012
- g. Last Date for Filing of Motion for Summary Judgment: November 15, 2012
- h. Expert Designation and Report Date: October 23, 2012

Accordingly, the Parties respectfully request that the Court grant this Joint Motion and continue the above-referenced dates.

Dated: July 26, 2012

Respectfully submitted,



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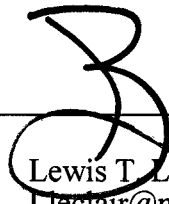
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