

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	
)	Chapter 11
)	
FIRST GUARANTY MORTGAGE CORPORATION, <i>et al.</i> , ¹)	Case No. 22-10584 (CTG)
)	
Debtors.)	(Jointly Administered)
)	

**DEBTORS' MOTION FOR ENTRY OF AN ORDER AUTHORIZING THE DEBTORS
TO EXCEED THE PAGE LIMIT REQUIREMENT FOR THE DEBTORS'
MEMORANDUM OF LAW IN SUPPORT OF AMENDED COMBINED DISCLOSURE
STATEMENT AND CHAPTER 11 PLAN OF FIRST GUARANTY MORTGAGE
CORPORATION AND DEBTOR AFFILIATE**

The above-captioned debtors and debtors in possession (collectively, the "Debtors") in these chapter 11 cases (the "Chapter 11 Cases") respectfully state the following in support of this motion (this "Motion").

Relief Requested

1. The Debtors seek entry of an order, substantially in the form attached hereto as **Exhibit A** (the "Order"), authorizing the Debtors to exceed the page limit requirement for the Debtors' memorandum of law (the "Confirmation Memorandum") in support of confirmation of the *Amended Combined Disclosure Statement and Chapter 11 Plan of First Guaranty Mortgage Corporation and Debtor Affiliate* [Docket No. 518] (the "Plan").

Jurisdiction and Venue

2. The United States Bankruptcy Court for the District of Delaware (the "Court") has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing*

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, are: First Guaranty Mortgage Corporation (9575); and Maverick II Holdings, LLC (5621). The Debtors' mailing address is 5800 Tennyson Parkway, Suite 450, Plano, TX 75024.

Order of Reference from the United States District Court for the District of Delaware, dated February 29, 2012 (the “Amended Standing Order”). The Debtors confirm their consent, pursuant to rule 9013-1(f) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), to the entry of a final order by the Court in connection with this Motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
4. The basis for the relief requested herein is Rule 3017-3 of the Local Rules.

Background

5. On June 30, 2022 (the “Petition Date”), the Debtors commenced the Chapter 11 Cases. The Debtors are authorized to continue operating their businesses and managing their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee or examiner has been appointed in the Chapter 11 Cases. On July 14, 2002, the Office of the United States Trustee (the “UST”) appointed an Official Committee of Unsecured Creditors (the “Committee”).

6. Prior to the Petition Date, First Guaranty Mortgage Corporation (“FGMC”) was a full service, non-bank mortgage lender and servicer of mortgage loans, offering a full suite of residential mortgage options tailored to borrowers’ different financial situations, including origination, purchase, service, sale and/or securitization of residential real estate mortgage loans and was one of the leading independent mortgage companies in the United States that originated residential mortgages through a national platform.

7. Additional information regarding the Debtors' businesses and capital structure, as well as a description of the events precipitating the filing of these Chapter 11 Cases, is set forth in the *Declaration of Aaron Samples In Support of Chapter 11 Petitions and First Day Pleadings* [D.I. 19].

8. A hearing to consider confirmation of the Plan is scheduled for October 31, 2022. Numerous parties filed objections to the Plan.

Basis for Relief

9. The Debtors seek authority to exceed the page limit requirement for the Debtors' Confirmation Memorandum.

10. Local Rule 3017-3 provides that no brief in support of confirmation of a plan shall exceed 60 pages in length. Del. Bankr. L.R. 3017-3. However, a brief may exceed 60 pages with leave of the court. *Id.*

11. The Debtors respectfully submit that authority to exceed the page limitations prescribed by Local Rule 3017-3 in connection with the Confirmation Memorandum is reasonable and appropriate under the circumstances. The Confirmation Memorandum, as currently drafted, exceeds 60 pages in length. The Confirmation Memorandum (i) presents the Debtors' affirmative confirmation case by explaining the Plan's satisfaction of the numerous elements of sections 1125, 1126, and 1129 of the Bankruptcy Code and (ii) replies to the numerous objections filed to confirmation of the Plan. Given the background and legal analysis required for the Debtors to explain the basis for confirmation of the Plan and in order to adequately reply to the objections, it was necessary for the Debtors to exceed the 60 page limitation set forth in Local Rule 3017-3.

12. Bankruptcy Rule 1001 provides that the Bankruptcy Rules "shall be construed, administered, and employed by the court and parties to secure the just, speedy, and inexpensive

determination of every case and proceeding.” Fed. R. Bankr. P. 1001. Further, Local Rule 1001-1(c) provides that “[t]he application of these Local Rules in any case or proceeding may be modified by the Court in the interest of justice.” *See* Del. Bankr. L. R. 1001-1(c).

13. For all these reasons, the Court should authorize the Debtors to file a Confirmation Memorandum in excess of 60 pages.

Notice

14. The Debtors will provide notice of this Motion to: (a) the UST; (b) the Committee; and (c) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

No Prior Request

15. No prior motion for the relief requested herein has been made to this or any other court.

WHEREFORE, the Debtors respectfully request that the Court enter the Order, granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

Dated: October 28, 2022

PACHULSKI STANG ZIEHL & JONES LLP

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Exhibit A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

FIRST GUARANTY MORTGAGE
CORPORATION, *et al.*,¹

Debtors.

Chapter 11

Case No. 22-10584 (CTG)

(Jointly Administered)

**ORDER AUTHORIZING THE DEBTORS TO EXCEED THE PAGE LIMIT
REQUIREMENT FOR THE DEBTORS' MEMORANDUM OF LAW IN SUPPORT OF
AMENDED COMBINED DISCLOSURE STATEMENT AND CHAPTER 11 PLAN OF
FIRST GUARANTY MORTGAGE CORPORATION AND DEBTOR AFFILIATE**

Upon consideration of the motion (the “Motion”)² of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for entry of an order (this “Order”) authorizing the Debtors to file a confirmation memorandum in excess of the page limitations set forth in Local Rule 3017-3; all as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order; and that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the Debtors’ notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief

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² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. The Debtors are authorized to file a Confirmation Memorandum exceeding 60 pages in length.
3. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) and the Local Rules are satisfied by such notice.
4. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Order are immediately effective and enforceable upon its entry.
5. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.
6. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.