

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Case No. 17-11545-W
District Court Case No. 10-62035-CIV-KMM
Bankruptcy Court Case No. 08-01435-JKO

In re:

TOUSA, INC., *et al.*,

Debtors.

3V CAPITAL MASTER FUND LTD., *et al.*,

Defendants-Appellants,

v.

OFFICIAL COMMITTEE OF
UNSECURED CREDITORS OF TOUSA,
INC., *et al.*,

Plaintiff-Appellee.

**JOINT MOTION TO STAY APPEAL
AND TO REMOVE CASE
FROM ARGUMENT CALENDAR**



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CERTIFICATE OF INTERESTED PERSONS

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1, 26.1-2, and 26.1-3, the parties certify that the Certificate of Interested Persons filed by the Transeastern Lenders on May 30, 2017, as supplemented by the submissions of Appellee and the *amici curiae*, is complete.

Appellants Transeastern Lenders, Group 1, and Transeastern Lenders, Group 2 (collectively, the “Transeastern Lenders”), and Appellee J Beck & Associates, Inc., as Liquidation Trustee (the “Liquidation Trustee” and, together with the Transeastern Lenders, “the Parties”), jointly move to stay this appeal and to remove this case from the Court’s **Tuesday, December 12, 2017** oral argument calendar.

In support of their motion, the Parties state:

1. The Parties took part in a mediation in October 2017 in an effort to settle this case, and continued settlement talks thereafter.
2. As a result of these continued settlement talks, the Parties recently reached an agreement in principle on the terms of a settlement (the “Settlement Agreement”) that, if approved by the Bankruptcy Court, would resolve all issues in this matter and moot this proceeding. If the Settlement Agreement were approved by the Bankruptcy Court and consummated, the Transeastern Lenders would seek dismissal of this appeal.¹

¹ The Liquidation Trustee must provide notice of the Settlement Agreement to, among other parties, certain holders of Liquidation Trust Interests that have the right to opt out of the Settlement Agreement. If such an opt-out occurs, there could be some continued litigation.

3. It would serve the interest of judicial economy for the Court to stay the appeal and to adjourn oral argument so that the Parties can seek approval of the Settlement Agreement by the Bankruptcy Court. The Parties expect to file a motion with the Bankruptcy Court in the next few weeks seeking approval of the Settlement Agreement. Assuming that the Bankruptcy Court approves the Settlement Agreement, the Parties should be able to dismiss the appeal in early 2018. In the event that no motion to dismiss this appeal has been filed by March 1, 2018, the Parties will promptly advise this Court of the matter's status and seek further appropriate relief.

4. Counsel for Transeastern Lenders, Group 1, has consulted with counsel for Transeastern Lenders, Group 2, and counsel for the Liquidation Trustee, and is authorized to submit this request on behalf of the Parties.

Accordingly, the Parties jointly request that the Court stay this appeal and remove the case from its December 12th argument calendar.

Respectfully Submitted,

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Attorneys for the Transeastern Lenders Group 1

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 11th day of December 2017, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing is being served on all counsel of record identified on the Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those who are not authorized to receive electronically Notices of Electronic Filing.

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