

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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|---|---|-------------------------------|
| | X | |
| In re: | : | Chapter 11 |
| | : | |
| PENSON WORLDWIDE, INC., <u>et al.</u> , | : | Case No. 13-10061 (PJW) |
| | : | |
| Debtors. ¹ | : | Jointly Administered |
| | X | |
| PENSON WORLDWIDE, INC. and | : | |
| PENSON FINANCIAL SERVICES, INC., | : | |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | Adv. Proc. No. 13-50855 (PJW) |
| | : | |
| APEX CLEARING HOLDINGS LLC, APEX | : | |
| CLEARING CORPORATION, and APEX | : | |
| CLEARING SOLUTIONS LLC, | : | |
| | : | |
| Defendants. | : | |
| | X | |

**NOTICE OF SECOND AMENDED² AGENDA OF MATTERS SCHEDULED
FOR HEARING ON OCTOBER 2, 2013 AT 9:30 A.M. (ET)**

**WITH PERMISSION OF THE COURT THIS HEARING HAS BEEN CANCELLED
AS NO MATTERS ARE GOING FORWARD**

ADJOURNED/RESOLVED MATTERS

- 1. Complaint for Breach of Contract [Adv. D.I. 1; 2/25/13]

Related Documents:

- a) **Summons and Notice of Pretrial Conference in an Adversary Proceeding**
[Adv. D.I. 3; 2/25/13]

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Penson Worldwide, Inc. (6356); SAI Holdings, Inc. (3657); Penson Financial Services, Inc. (3990); Penson Financial Futures, Inc. (6207); Penson Holdings, Inc. (4821); Penson Execution Services, Inc. (9338); Nexa Technologies, Inc. (7424); GHP2, LLC (1374), Penson Futures (6207). The Debtors' mailing address is 800 Klein Road, Suite 200, Plano, Texas 75074.

² **Amended items appear in bold.**



- b) Order Approving Stipulation for Extension of Time to Respond to Complaint and Adjourning Pretrial Conference [Adv. D.I. 7; 3/19/13]
- c) Order Approving Stipulation for Further Extension of Time to Respond to Complaint and Adjourning Pretrial Conference [Adv. D.I. 13; 4/18/13]
- d) Order Approving Stipulation for Further Extension of Time to Respond to Complaint and Adjourning Pretrial Conference [Adv. D.I. 21; 5/23/13]
- e) Order Approving Stipulation for Further Extension of Time to Respond to Complaint and Adjourning Pretrial Conference [Adv. D.I. 24; 6/24/13]
- f) Order Approving Stipulation for Further Extension of Time to Respond to Complaint and Adjourning Pretrial Conference [Adv. D.I. 28; 7/26/13]
- g) Order Approving Stipulation for Further Extension of Time to Respond to Complaint and Adjourning Pretrial Conference [Adv. D.I. 31; 8/21/13]
- h) Order Approving Stipulation for Further Extension of Time to Respond to Complaint and Adjourning Pretrial Conference [Adv. D.I. 33; 9/20/13]

Response Deadline: Extended to October 28, 2013 at 4:00 p.m. (ET)

Objections/Responses Received: None to date.

Status: The pretrial conference with respect to this matter has been adjourned to the next hearing on November 12, 2013 at 9:30 a.m. (ET).

2. Motion for Entry of an Order Dismissing the Chapter 11 Case of GHP1, Inc. and Granting Related Relief [D.I. 857; 8/9/13]

Related Documents:

- a) Certificate of No Objection [D.I. 887, 9/19/13]
- b) Order Dismissing the Chapter 11 Case of GHP1, Inc. and Granting Related Relief [D.I. 890, 9/20/13]

Objection Deadline: September 13, 2013 at 4:00 p.m. (ET)

Objections/Responses Received: None.

Status: An order has been entered by the Court. No hearing is necessary.

UNCONTESTED MATTERS – CERTIFICATION FILED

3. Debtors' Second Omnibus (Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007, and Local Rule 3007-1 [D.I. 505; 5/10/13]

Related Documents:

- a) Notice of Submission of Copies of Proofs of Claim Regarding Debtors' Second Omnibus (Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007, and Local Rule 3007-1 [D.I. 570; 5/28/13]
- b) Order Granting Debtors' Second Omnibus (Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007, and Local Rule 3007-1 [D.I. 613; 6/11/13]
- c) Order Resolving Debtors' Second Omnibus (Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007, and Local Rule 3007-1 [D.I. 802, 8/6/13]
- d) Certification of Counsel Regarding Agreed Order Resolving Debtors' Second Omnibus (Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007, and Local Rule 3007-1 with Respect to Claim No. 189 Filed by Steven J. Rosenberg, Esq. [D.I. 906; 9/30/13]

Objection Deadline: May 24, 2013 at 4:00 p.m. (ET) [Extended for Thomson Reuters (Markets) LLC to July 30, 2013 at 4:00 p.m. (ET)]

Objections/Responses Received:

- e) Consolidated Responses of Claimants Represented by Steven J. Rosenberg, Esq. to Objections Filed in the Above Matter as Set out in Exhibit A Thereto [D.I. 558; 5/21/13]
- f) Response of Christopher K. Hehmeyer to Debtors' Second Omnibus (Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007, and Local Rule 3007-1, Re: Claim Nos. 147 and 152 [D.I. 563; 5/24/13]

Status: With respect to item (f), this matter is adjourned to the next hearing on November 12, 2013 at 9:30 a.m. (ET). With respect to item (e), the Debtors have submitted an order resolving the claim filed by Mr. Rosenberg against Debtor Nexa Technologies, Inc., and the remainder of the claims relating to item (e) have been adjourned to the November 12, 2013 hearing. All other matters have been resolved. **The Court has**

indicated that the submitted order will be entered. No hearing is necessary.

4. Debtors' Fourth Omnibus (Non-Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007, and Local Rule 3007-1 [D.I. 859; 8/30/13]

Related Documents:

- a) Certification of Counsel [D.I. 907; 9/30/13]

Objection Deadline: September 13, 2013 at 4:00 p.m. (ET) [Extended for Bank of America Merrill Lynch to October 15, 2013 at 4:00 p.m. (ET)]

Objections/Responses Received:

- b) Informal Response from PDQ ATS, INC.
c) Informal Response from Bank of America Merrill Lynch
d) Informal Response from New Jersey Department of Taxation

Status: With respect to item (b), this matter has been resolved. With respect to items (c) and (d), this matter has been continued to the next hearing scheduled on November 12, 2013 at 9:30 a.m. (ET). A certification of counsel has been filed. **The Court has indicated that the submitted order will be entered. No hearing is necessary.**

CONTESTED MATTER GOING FORWARD

5. Debtors' Third Omnibus (Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007, and Local Rule 3007-1 [D.I. 858; 8/30/13]

Related Documents:

- a) Notice of Submission of Copies of Proofs of Claim Regarding Debtors' Third Omnibus (Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007, and Local Rule 3007-1 [D.I. 884; 9/18/13]

Objection Deadline: September 13, 2013 at 4:00 p.m. (ET)

Objections/Responses Received:

- b) Missouri Department of Revenue's Response to Debtors' Third Omnibus Objection to Claims [D.I. 877; 9/11/13]

- c) Response of Illinois Department of Revenue to Third Omnibus (Substantive) Objection to Claims [D.I. 883; 9/17/13]
- d) Response of Wisconsin Department of Revenue to Third Omnibus (Substantive) Objection to Claims [D.I. 885; 9/16/13]
- e) Response of Wisconsin Department of Revenue to Third Omnibus (Substantive) Objection to Claims [D.I. 886; 9/16/13]
- f) Mark Wesley's Response to Debtors' Third Omnibus Objection to Claims [D.I. 888; 9/18/13]
- g) James Avola's Response to Debtors' Third Omnibus Objection to Claims [D.I. 889; 9/18/13]

Additional Pleading:

- h) Certification of Counsel [D.I. 912; 10/1/13]

Status: With respect to item (b), this matter is being continued to the next hearing on November 12, 2013 at 9:30 a.m. (ET) solely as it relates to Claim Nos. 215 and 218. With respect to items (c) and (d), this matter is continued to the November 12, 2013 hearing. With respect to items (f) and (g), this matter is continued to the December 11, 2013 hearing. With respect to item (e), the claimant has consented to entry of a revised order; therefore a revised, proposed form of order has been filed under certification of counsel with respect item (e), and all additional items relating to this matter not addressed herein. **The Court has indicated that the submitted order will be entered. No hearing is necessary.**

QUARTERLY FEE APPLICATIONS

- 6. Second Interim Quarterly Fee Requests of Professionals. Please refer to Exhibit 1, attached.

Related Documents:

- a) Certification of Counsel [D.I. 913; 10/1/13]

Objection Deadline: Various.

Objections/Responses Received: None.

Status: A certification of counsel has been filed. **The Court has indicated that the submitted order will be entered. No hearing is necessary.**

Dated: October 2, 2013
Wilmington, Delaware

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EXHIBIT 1 - INDEX TO FEE APPLICATIONS

A. Second Interim Quarterly Fee Application of Young Conaway Stargatt & Taylor, LLP, as Counsel to the Debtors for the Period April 1, 2013 through June 30, 2013 [D.I. 829; 8/14/13]

1. Fourth Monthly Fee Application for the Period April 1, 2013 – April 30, 2013 [D.I. 578; 5/30/13]
2. Certificate of No Objection [D.I. 653; 6/21/13]
3. Fifth Monthly Fee Application for the Period May 1, 2013 – May 31, 2013 [D.I. 667; 6/28/13]
4. Certificate of No Objection [D.I. 790; 8/1/13]
5. Sixth Monthly Fee Application for the Period June 1, 2013 – June 30, 2013 [D.I. 814; 8/12/13]
6. Certificate of No Objection [D.I. 867; 9/5/13]

B. Second Interim Quarterly Fee Application of Paul, Weiss, Rifkind, Wharton & Garrison LLP, as Counsel to the Debtors for the Period April 1, 2013 through June 30, 2013 [D.I. 829; 8/14/13]

1. Third Monthly Fee Application for the Period April 1, 2013 – April 30, 2013 [D.I. 577; 5/30/13]
2. Certificate of No Objection [D.I. 652; 6/21/13]
3. Fourth Monthly Fee Application for the Period May 1, 2013 – June 30, 2013 [D.I. 808; 8/8/13]
4. Certificate of No Objection [D.I. 866; 9/5/13]

C. Second Interim Quarterly Fee Application of KPMG LLP, as Financial Advisor to the Debtors for the Period April 1, 2013 through June 30, 2013 [D.I. 829; 8/14/13]

1. Fourth Monthly Fee Application for the Period April 1, 2013 – April 30, 2013 [D.I. 573; 5/30/13]
2. Certificate of No Objection [D.I. 651; 6/21/13]
3. Fifth Monthly Fee Application for the Period May 1, 2013 – May 31, 2013 [D.I. 668; 6/28/13]
4. Certificate of No Objection [D.I. 728; 7/23/13]
5. Sixth Monthly Fee Application for the Period June 1, 2013 – June 30, 2013 [D.I. 807; 8/7/13]

6. Certificate of No Objection [D.I. 865; 9/5/13]

D. Second Interim Quarterly Fee Application of Cousins Chipman & Brown, LLP, as Counsel to the Official Committee of Unsecured Creditors for the Period April 1, 2013 through June 30, 2013 [D.I. 828; 8/14/13]

1. Third Monthly Fee Application for the Period April 1, 2013 – April 30, 2013 [D.I. 521; 5/15/13]

2. Certificate of No Objection [D.I. 590; 6/6/13]

3. Fourth Monthly Fee Application for the Period May 1, 2013 – May 31, 2013 [D.I. 635; 6/17/13]

4. Certificate of No Objection [D.I. 689; 7/10/13]

5. Fifth Monthly Fee Application for the Period June 1, 2013 – June 30, 2013 [D.I. 709; 7/15/13]

6. Certificate of No Objection [D.I. 806; 8/7/13]

E. Second Interim Quarterly Fee Application of Capstone Advisory Group, LLC, as Financial Advisor to the Official Committee of Unsecured Creditors for the Period April 1, 2013 through June 30, 2013 [D.I. 876; 9/11/13]

1. Third Monthly Fee Application for the Period April 1, 2013 – April 30, 2013 [D.I. 547; 5/22/13]

2. Certificate of No Objection [D.I. 630; 6/13/13]

3. Fourth Monthly Fee Application for the Period May 1, 2013 – May 31, 2013 [D.I. 873; 9/10/13]

4. Certificate of No Objection [D.I. 902; 9/27/13]

5. Fifth Monthly Fee Application for the Period June 1, 2013 – June 30, 2013 [D.I. 874; 9/10/13]

6. Certificate of No Objection [D.I. 903; 9/27/13]

F. Second Interim Quarterly Fee Application of Hahn & Hessen LLP, as Counsel to the Official Committee of Unsecured Creditors for the Period April 1, 2013 through June 30, 2013 [D.I. 878; 9/11/13]