

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

The Dorothy A. Blommer Family Trust,

Plaintiff,

Civil No. 11-3098 (JJG)

v.

United States of America and Its Department
of the Treasury, Internal Revenue Service,

Defendants.

**PRETRIAL
SCHEDULING ORDER**

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy and inexpensive determination of this action, the following schedule shall govern these proceedings. This schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

DISCOVERY SCHEDULE/DEADLINES

1. All pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before **June 22, 2012**.
2. Fact discovery shall be commenced in time to be completed on or before **October 1, 2012**.

DISCOVERY LIMITATIONS

1. No more than a total of **fifty (50) interrogatories**, counted in accordance with Rule 33(a), shall be served by each side. No more than **twenty-five (25) document requests** and no more than **twenty-five (25) requests for admissions** shall be served by each side.
2. No more than **two (2)** depositions, excluding expert witness depositions, shall be taken by either side.

NON-DISPOSITIVE MOTIONS

All non-dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota, with Local Rules 7.1 and 37.1, **and in the form prescribed by Local Rule 37.2**. The “Meet and Confer” requirement should include attempts to do so through personal contact, rather than solely through correspondence. All non-dispositive motions shall be scheduled for hearing by calling Judith Kirby, Judicial Assistant to Magistrate Judge Graham, at (651) 848-1890, prior to filing, except when all parties are in agreement that no hearing is required. Such an agreement shall be expressly set forth in the notice of motion.

1. All motions which seek to amend the pleadings or to add parties must be filed and served on or before **July 2, 2012**.
2. Non-dispositive motions and supporting documents, including those which relate to fact discovery, shall be filed and served on or before **October 15, 2012**.
3. Motions which seek to add a punitive damages claim to the pleadings, if applicable, must be filed and served on or before **October 15, 2012**.
4. Counsel are advised not to notice additional motions for hearing on an already existing hearing date without first contacting the Court for permission to do so. All motions must be filed and served within the time periods set forth in the local rules.

INFORMAL DISPUTE RESOLUTION (IDR)

Prior to scheduling any non-dispositive motion, parties should consider whether the motion can be informally resolved through Informal Dispute Resolution (IDR). There is no transcript or other recording of IDR proceedings. Therefore, all parties should be in agreement to participate in IDR and the Court will first determine whether the matter may be handled informally. The “moving party” shall electronically file a

letter representing that the parties wish to engage in IDR and setting forth the well-defined issue to be resolved. If it is determined that IDR may be used, the parties will be contacted by the Court to schedule a telephone conference and allow for position letters to be filed by each party.

For leave to proceed in a manner other than that outlined above, the requesting party shall electronically file a letter setting forth the specific request.

DISPOSITIVE MOTIONS

All dispositive motions shall be filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and Local Rule 7.1. Dispositive motions shall be scheduled for a hearing by calling **Judith Kirby**, Calendar Clerk for the undersigned at **(651) 848-1890**. Counsel are reminded that they must anticipate the time required for obtaining hearing dates. All dispositive motions shall be filed and served on or before **November 2, 2012**.

TRIAL

This case shall be ready for a **jury** trial on **January 14, 2013**. The anticipated length of trial is **one (1)** day.

Dated: May 21, 2012

s/ Jeanne J. Graham

JEANNE J. GRAHAM
United States Magistrate Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

CHARLES K. BRELAND, JR.

Debtor

Case No. 09-11139-MAM-11

**ORDER SETTING HEARING ON ISSUES RAISED IN ORDER OF REMAND DATED
MAY 14, 2012 AND SETTING DEADLINES FOR BRIEFING**

Robert M. Galloway, Attorney for Debtor, Mobile, Alabama

Robin Cheatham, Attorney for Debtor, New Orleans, Louisiana

Lynne Miller, Attorney for US, Washington, D.C.

Charles Baer, Ass't. U.S. Attorney, Mobile, Alabama

This matter was remanded to this Court to consider two issues raised by the U.S. District Court. The Court needs briefing on the issues by the parties. After the briefing, the Court will hold a hearing to allow for limited argument on the issues.

IT IS ORDERED that:

1. Each party will file a brief on the issues to be considered on the remand by **June 19, 2012**; and
2. A hearing will be held on the matter to allow short argument solely on the remanded issues **on June 26, 2012 at 8:30 a.m.** in Courtroom 2, U.S. Bankruptcy Court, 201 St. Louis Street, Mobile, Alabama.

Dated: May 21, 2012


MARGARET A. MAHONEY
CHIEF U.S. BANKRUPTCY JUDGE

Dated: May 21, 2012



Eileen W. Hollowell

Eileen W. Hollowell, Bankruptcy Judge

C. Taylor Ashworth (#010143)
Alan A. Meda (#009213)
Christopher C. Simpson (#018626)
Josh Kahn (#026284)
STINSON MORRISON HECKER LLP
1850 N. Central Avenue, Suite 2100
Phoenix, Arizona 85004-4584
Tel: (602) 279-1600
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ameda@stinson.com

Counsel for the March Debtors

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

In re
DANNY'S HAPPY VALLEY, LLC, et al.,
Debtors.

Chapter 11
Case No. 2:10-bk-02794-EWH
Jointly Administered With:

- 2:10-bk-02796-EWH
- 2:10-bk-02802-EWH
- 2:10-bk-05580-EWH
- 2:10-bk-05585-EWH
- 2:10-bk-05792-EWH
- 2:10-bk-05794-EWH
- 2:10-bk-05796-EWH
- 2:10-bk-05798-EWH
- 2:10-bk-05800-EWH
- 2:10-bk-05802-EWH
- 2:10-bk-05806-EWH
- 2:10-bk-05774-EWH
- 2:10-bk-05776-EWH
- 2:11-bk-21164-EWH
- 2:10-bk-02799-EWH
- 2:10-bk-05583-EWH
- 2:10-bk-05588-EWH
- 2:10-bk-05793-EWH
- 2:10-bk-05795-EWH
- 2:10-bk-05797-EWH
- 2:10-bk-05799-EWH
- 2:10-bk-05801-EWH
- 2:10-bk-05805-EWH
- 2:10-bk-05772-EWH
- 2:10-bk-05775-EWH
- 2:11-bk-22658-EWH

This filing applies to:

- All Debtors
- Specified Debtors:
The March Debtors

**ORDER GRANTING FIFTH AND FINAL
APPLICATION FOR INTERIM ALLOWANCE
OF COMPENSATION AND FOR PAYMENT OF
EXPENSES TO STINSON MORRISON
HECKER LLP, COUNSEL FOR THE MARCH
DEBTORS**

Hearing Date: None Set
Location: Courtroom #602

Fifth Application:
Period Covered: **October 1, 2011 – December 31, 2011**
Compensation: **\$571,397.00**
Reimbursement: **\$8,565.66**

FINAL APPLICATION
Period Covered: **March 18, 2010 – December 31, 2011**
Total Compensation: **\$ 2,903,645.75**
Total Reimbursement: **\$ 25,000.71**

1 The Court has reviewed the *Fifth and Final Application for Interim Allowance of*
2 *Compensation and for Payment of Expenses to Stinson Morrison Hecker LLP, Counsel for the March*
3 *Debtors* ("Fee Application") (Docket #1663) filed pursuant to 11 U.S.C. §§ 330 and 331, and Fed. R.
4 Bankr. P. 2016, by Stinson Morrison Hecker LLP ("SMH"), counsel for the March Debtors¹, Debtors
5 and Debtors-in-Possession.

6 The Fee Application seeks allowance and payment of compensation for the period of **October**
7 **1, 2011** through **December 31, 2011** (the "Application Period") in the amount of **\$571,397.00**, and
8 reimbursement of expenses in the amount of **\$8,565.66**. The Fee Application further seeks final
9 approval of the fees and costs incurred by SMH in its representation of the March Debtors from March
10 18, 2010 through December 31, 2011.

11 It appears to the Court that proper notice has been given, that the amounts requested are
12 reasonable, that payment of such fees and costs will not prejudice any other claimant of equal or higher
13 priority, and that payment of such fees is allowed. Therefore, for good cause appearing,

14 IS HEREBY ORDERED approving the Fee Application and directing the March Debtors to
15 pay compensation to SMH for services rendered from in the amount of **\$571,397.00**, plus actual and
16 necessary expenses in the amount of **\$8,565.66**, for a total amount of **\$579,962.66** for the time period
17 from of **October 1, 2011** through **December 31, 2011**, minus any payments made pursuant to the
18 Compensation Procedures Order (Docket #182) and the monthly Fee Statements filed on behalf of
19 SMH in this case, provided that such payment does not prejudice claims of equal or higher priority.

20 IT IS FURTHER ORDERED finally approving the fee applications as follows:

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23 ¹ Danny's Crossroads, LLC; 2:10-bk-05580-EWH; Danny's Gilbert Gateway, LLC, 2:10-bk-05583-EWH; Danny's San
24 Tan, LLC, 2:10-bk-05585-EWH; Danny's Tempe, LLC, 2:10-bk-05588-EWH; Danny's Family Companies, LLC, 2:10-bk-
25 05792-EWH; Danny's Car Services, LLC, 2:10-bk-05793-EWH; Danny's Scottsdale & TB, LLC, 2:10-bk-05794-EWH;
26 National Car Care Development Corporation, 2:10-bk-05795-EWH; 84th & Bell, LLC, 2:10-bk-05796-EWH; 3rd & Bell,
27 LLC, 2:10-bk-05797-EWH; Danny's Tatum, LLC, 2:10-bk-05798-EWH; 83rd & Union Hills, LLC, 2:10-bk-05799-EWH;
28 Mayo & Scottsdale Family Car Wash, LLC, 2:10-bk-05800-EWH; Danny's Glass, LLC, 2:10-bk-05801-EWH; Danny's
Fuel, LLC, 2:10-bk-05802-EWH; Paradise Village Car Care Centre, Inc., 2:10-bk-05805-EWH; Twentieth & Highland,
LLC, 2:10-bk-05806-EWH; Danny's Commercial Properties, LLC, 2:10-bk-05772-EWH; Barcelona Restaurants III, LLC,
2:10-bk-05774-EWH; Barcelona Business Center, LLC, 2:10-bk-05775-EWH; and Danny's Office, LLC, 2:10-bk-05776-
EWH.

Application	From	To	Compensation	Expenses	Order	Total
First	3/28/10	6/30/10	\$482,285.25	\$4,244.51	8/24/10	\$486,529.76
Second	7/1/10	10/31/10	\$428,096.00	\$3,322.21	1/3/11	\$431,418.21
Third	11/1/10	3/31/11	\$649,887.00	\$1,296.94	6/3/11	\$651,183.94
Fourth	4/1/11	9/30/11	\$771,980.50	\$7,571.39	12/16/11	\$779,551.89
Fifth/Final	10/1/11	12/31/11	\$571,397.00	\$8,565.66		\$579,962.66
			\$2,903,645.75	\$25,000.71		\$2,928,646.46

DATED AND SIGNED ABOVE.

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Honorable Linda B. Riegler
United States Bankruptcy Judge

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Entered on Docket
May 21, 2012

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Attorneys for Desert Capital REIT, Inc.

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

25 In re:
26 DESERT CAPITAL REIT, INC.,
27 Debtor.

Case No.: BK-S-11-16624-LBR
Chapter 11 (Involuntary)
Date: April 11, 2012
Time: 2:00 p.m.

1 **SCHEDULING ORDER FOR OBJECTION TO PROOFS OF CLAIM, NOS. 55-1 AND**
2 **55-2, FILED BY THE INTERNAL REVENUE SERVICE**

3 Desert Capital REIT, Inc. ("DCR" or "Debtor"), a Nevada corporation, Debtor and
4 Debtor-in-possession, by and through its attorneys, the law firms of Heller, Draper, Patrick &
5 Horn, L.L.C. and Gordon Silver, having filed its objection ("Objection") to the proofs of claim
6 filed by the Internal Revenue Service (the "IRS"), claim numbers 55-1 and 55-2 in Debtor's
7 claims register (together, the "POC Nos. 55-1 and 55-2" or "Proofs of Claim"), and such
8 contested matter having come before the Court for a scheduling conference, the parties having
9 been given notice and opportunity to be heard, the Court orders as follows:

10 1. The IRS shall file its brief (the "IRS Brief") on the following issues on or before
11 the 8th day of June, 2012. The issues to be briefed are the following:

- 12 a. whether the priority claim asserted by the IRS meets the statutory requirements of
13 11 USC § 507(a)(8);
14 b. whether the priority claim asserted by the IRS is a penalty and not a tax; and
15 c. if the IRS proof of claim is not a priority claim but rather an unsecured penalty
16 whether the claim is an Senior Unsecured Claim under the Debtors Plan that was
17 confirmed by this Court.
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19 2. The Debtor shall file its reply ("Debtor's Reply") to the IRS Brief on the 20th day
20 of June, 2012.
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22 3. Oral argument on the issues set forth in paragraph 1 above shall be held before
23 this Court July 24, 2012, beginning at 1:30 p.m.
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25 4. The trial in connection with the Objection shall be set based upon further order of
26 the Court.
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IT IS SO ORDERED.

PREPARED AND SUBMITTED BY:

GORDON SILVER

By: 

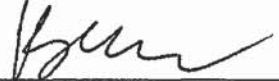
GERALD M. GORDON, ESQ.
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and

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Attorneys for Desert Capital REIT, Inc.

UNITED STATES ATTORNEY

By: 

BORIS KUKSO, ESQ.
Trial Attorney
U. S. Department of Justice
Tax Division
P.O. Box 683
Washington, DC 20044

On behalf of the United State of America, Internal Revenue Service

###

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE DISTRICT OF PUERTO RICO

IN RE:

LUIS JULIAN ENCARNACION SANTIAGO
MARYLIN SANCHEZ FIGUEROA

CASE NO. 12-00855 ESL
Chapter 13

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FILED & ENTERED ON 05/21/2012

Debtor(s)

O R D E R

Debtor's objection to claim #31 filed by INTERNAL REVENUE SERVICES (docket entry #31), having been duly notified to all parties in interest, and no timely replies or objections having been filed, it is now

ORDERED that said motion be and it is hereby granted.

SO ORDERED.

San Juan, Puerto Rico, this 21 day of May, 2012.

Enrique S. Lamoutte Inclan
U. S. Bankruptcy Judge

CC: DEBTOR(S)
ADA M CONDE
ALEJANDRO OLIVERAS RIVERA
INTERNAL REVENUE SERVICES
CLAIMS REGISTER

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CASE NO: 2:12cr84-MHT
)
JEFFREY TEMPLE)

ORDER

Upon consideration of the Defendant's Motion to Extend Time to File Pretrial Motions (Doc. #85), and for good cause, it is

ORDERED that the Motion (Doc. #85) is GRANTED. The deadline to file pretrial motions is hereby reset for June 4, 2012.

Done this 21st day of May, 2012.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE

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IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEVEN WANG,
aka SHUI CHENG WANG,

Defendant.

CIVIL CASE NO. 11-00020

JUDGMENT

JUDGMENT is hereby entered in favor of the United States of America and against defendant Steven Wang aka Shui Cheng Wang for trust fund recovery penalties under 26 U.S.C. § 6672 for the period ending December 31, 2000, in the amount of \$239,014.41, plus statutory interest pursuant to 26 U.S.C. §§ 6601, 6621, and 6622, 28 U.S.C. § 1961(c), and other statutory additions running from May 14, 2012.

JUDGMENT also is hereby entered in favor of the United States of America and against defendant Steven Wang aka Shui Cheng Wang for federal self-employment tax (Form 1040-SS) for the tax year 2005 in the amount of \$4,695.61, plus statutory interest pursuant to 26 U.S.C. §§ 6601, 6621, and 6622, 28 U.S.C. § 1961(c), and other statutory additions running from May 14, 2012.

1 Each party shall bear its respective costs, including attorney fees and other costs
2 associated with this litigation.

3 **SO ORDERED.**



5 /s/ Frances M. Tydingco-Gatewood
6 Chief Judge
7 Dated: May 21, 2012

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