



Entered on Docket
September 14, 2006

Hon. Linda B. Riegler
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
Debtor.

Chapter 11

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

**Jointly Administered Under
Case No. BK-S-06-10725 LBR**

In re:
USA SECURITIES, LLC,
Debtor.

**SECOND AMENDED ORDER
ESTABLISHING CASE MANAGEMENT
PROCEDURES
(AFFECTS ALL DEBTORS)**

Affects:
 All Debtors
 USA Commercial Mortgage Company
 USA Capital Realty Advisors, LLC
 USA Capital Diversified Trust Deed Fund, LLC
 USA Capital First Trust Deed Fund, LLC
 USA Securities, LLC

Date: August 16, 2006
Time: 9:30 a.m.

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1 The Court having heard various motions on August 16, 2006, the Debtors, USA
 2 Commercial Mortgage Company ("USA Commercial Mortgage"), USA Securities, LLC ("USA
 3 Securities"), USA Capital Realty Advisors, LLC ("USA Realty"), USA Capital Diversified Trust
 4 Deed Fund ("USA Diversified"), and USA Capital First Trust Deed Fund ("USA First")
 5 (collectively referred to as "Debtors"), appearing by and through their counsel, Ray Quinney &
 6 Nebeker P.C. and Schwartzer & McPherson Law Firm; other appearances being made upon the
 7 record; the Court having considered the status and size of the Debtors' cases and determining that
 8 it is beneficial to enter an amended case management procedures, it is hereby

9 **ORDERED** that these cases are subject to the following Case Management Procedures:

10 **A. Hearings**

11 1. **Omnibus Hearing Dates** - Unless the Court otherwise schedules or orders, *sua*
 12 *sponte*, or upon the proper filings by a party, all motions, pleadings, applications, other requests
 13 for relief, objections, responses, and replies thereto, and all other matters, will be automatically set
 14 to be heard at periodic bi-monthly or monthly omnibus hearings scheduled in advance by the
 15 Court (the "Omnibus Hearing Dates"). The Court has currently set the following additional
 16 Omnibus Hearing Dates:

- 17 August 31, 2006 at 9:30 a.m.
- 18 September 13, 2006 at 9:30 a.m.
- 19 September 28, 2006 at 9:30 a.m.
- 20 October 19, 2006 at 9:30 a.m.
- 21 October 30, 2006 at 9:30 a.m.
- 22 November 13, 2006 at 9:30 a.m.
- 23 November 28, 2006 at 9:30 a.m.
- 24 December 15, 2006 at 9:30 a.m.
- 25 January 3, 2007 at 9:30 a.m.
- 26 January 17, 2007 at 9:30 a.m.
- 27 January 31, 2007 at 9:30 a.m.

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1 Except as otherwise scheduled or ordered by the Court, all motions, pleadings, applications, other
2 requests for relief, objections, responses, and replies thereto, and all other matters (“Request(s) for
3 Relief”) shall not be considered by the Court unless filed and served at least twenty five (25) days
4 prior to the next scheduled Omnibus Hearing Date. The deadlines for filing oppositions and
5 replies are set forth below.

6 2. **Setting A Hearing Not On The Omnibus Hearing Date** - The Court may issue
7 an order shortening time which allows such Request For Relief to be heard on a date that is not an
8 Omnibus Hearing Date if proper support is provided to demonstrate its urgency and that such
9 urgency is not a result of delay on the part of the party requesting the relief. However, unless such
10 circumstances constitute an extreme emergency, it is unlikely that such Request for Relief will be
11 set on less than ten (10) days’ notice.

12 3. **BMC Website** – Hearing dates and times are subject to change. Unless otherwise
13 ordered, all hearings shall be held at the United States Bankruptcy Court, 300 Las Vegas Blvd. S.,
14 Third Floor, Courtroom #1. The Debtors shall post information relating to hearings on the
15 Debtors’ Private Website at <http://www.usacapitalcorp.com> and on BMC Group, the Debtors’
16 Noticing Agent’s Website at <http://www.bmcgroup.com/usacmc>. The Court may permit parties to
17 attend hearings on a “listen only” basis through the use of a dial in number, which will also be
18 posted by the Debtors on the websites listed above. However, technical or other problems may
19 impair or prevent the utilization of the dial in service. Entities may contact BMC Group at (888)
20 909-0100 for information concerning future Omnibus Hearings that have been scheduled by the
21 Court.

22 4. **Objection(s) Deadline to Request(s) for Relief –**

23 (a) Unless otherwise ordered by the Court, the deadline to file and serve
24 Objections to Requests for Relief (the “Objection Deadline”) set to be heard on regular notice on
25 an Omnibus Hearing Date shall be *the earlier of*: (i) fifteen (15) days after the Request for Relief
26 is served, or (ii) five (5) business days before the applicable hearing date. An Objection Deadline
27 concerning a Request for Relief set to be heard on an Omnibus Hearing Date may be extended
28 with the consent of the entity filing the Request for Relief to a date that is no later than five (5)

1 business days before the applicable hearing date.

2 (b) Unless otherwise ordered by the Court, the deadline to file and serve
3 objections to Requests for Relief set on shortened time shall be no later than three (3) business
4 days before the hearing date.

5 (c) Any brief filed in reply to an objection to Request for Relief shall be filed
6 *the earlier of* (i) five (5) business days after the filing of an objection to a Request for Relief or
7 (ii) by noon the business day before the applicable hearing date.

8 **5. Pleadings-**

9 Courtesy copies of all motions, oppositions, replies, and memoranda of law that are set for
10 hearing, together with all exhibits and attachments, must be delivered to the Bankruptcy Court
11 Clerk's office after filing. Copies shall be delivered either by hand or by mail. Delivery shall be
12 made no later than ten business days prior to the scheduled hearing date. A courtesy copy of any
13 pleading filed within ten (10) days of a hearing must be received by the Bankruptcy Court Clerk's
14 office by *the earlier of*: (i) noon the following business day or (ii) noon the business day prior to
15 the hearing.

16 **B. Effective Date of Case Management Procedures**

17 The effective date of this Second Amended Case Management Procedures contained herein
18 shall be the date the Order is entered on the Court's docket.

19 **C. Automatic Sanctions**

20 1. Any attorney who fails to comply with the time requirements for filing objections
21 or oppositions to motions and applications contained in the Case Management Order shall pay the
22 movant or applicant \$300; and


23 2. Any attorney who fails to deliver to the Clerk of this Court a courtesy (paper) copy
24 of his pleadings which are e-filed with the Court by the end of the next judicial business day (but
25 not later than noon the judicial business day before any hearing) shall pay the Court \$75.

26 **D. Compliance with Rule 2019**


27 Bankruptcy Rule 2019 applies to attorneys representing investors in loans serviced by
28 USA Commercial Mortgage Company, and attorneys representing multiple parties shall file the

1 verified statement required by that rule.

2 **SCHWARTZER & MCPHERSON LAW FIRM and**
3 **RAY QUINNEY & NEBEKER, P.C.**

4 By: 
5 **LENARD E. SCHWARTZER, ESQ.**
6 *Counsel for USA Commercial Mortgage Company,*
7 *USA Capital First Trust Deed Fund, LLC*
8 *USA Capital Diversified Trust Deed Fund, LLC*
USA Capital Realty Advisors, LLC and
USA Securities, LLC

9 **Approved/Disapproved by:**
10 **LEWIS AND ROCA, LLP**

11 By: 
12 **ROB CHARLES, ESQ.**
13 *Counsel for the Official Committee of*
14 *Unsecured Creditors of USA Commercial*
Mortgage Company

15 **Approved/Disapproved by:**
16 **BECKLEY SINGLETON, CHTD. and**
17 **ORRICK, HERRINGTON & SUTCLIFFE**
18 **LLP**

19 By: _____
20 **ANNE M. LORADITCH, ESQ.**
21 *Counsel for the Official Committee of Equity*
Security Holders of USA Capital Diversified
Trust Deed Fund, LLC

22 **Approved/Disapproved by:**
23 **SARA L. KISTER.**
24 **ACTING UNITED STATES TRUSTEE**
REGION 17

25
26 By: _____
27 **AUGUST B. LANDIS, ESQ.**
28 **Assistant United States Trustee**
300 Las Vegas Boulevard South, Suite 4300
Las Vegas, NV 89101

Approved/Disapproved by:
GORDON & SILVER, LTD.

By: _____
GREGORY E. GARMAN, ESQ.
Counsel for the Official Committee of Holders
of Executory Contract Rights of USA
Commercial Mortgage Company

Approved/Disapproved by:
STUTMAN TREISTER & GLATT, P.C. and
SHEA & CARLYON, LTD.

By: _____
CANDACE C. CARLYON, ESQ.
Counsel for the Official Committee of Equity
Security Holders of USA Capital First Trust
Deed Fund LLC

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18 By: _____
19 **ANNE M. LORADITCH, ESQ.**
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21 *Security Holders of USA Capital Diversified*
Trust Deed Fund, LLC

By: _____
CANDACE C. CARLYON, ESQ.
Counsel for the Official Committee of Equity
Security Holders of USA Capital First Trust
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26 By: _____
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2 **SCHWARTZER & MCPHERSON LAW FIRM and**
3 **RAY QUINNEY & NEBEKER, P.C.**

4 By: _____
5 **LENARD E. SCHWARTZER, ESQ.**
6 *Counsel for USA Commercial Mortgage Company,*
7 *USA Capital First Trust Deed Fund, LLC*
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USA Capital Realty Advisors, LLC and
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In accordance with Local Rule 9021, the undersigned certifies:

 The court waived the requirements of LR 9021

XX I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and each has:

XX approved the form of this order:

 waived the right to review the order and/or

XX failed to file and serve papers in accordance with LR 9021(c)

 I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order:

 No opposition was filed to the motion and no other party or counsel appeared at the hearing

Submitted by:

RAY QUINNEY & NEBEKER P.C. and SCHWARTZER & MCPHERSON LAW FIRM

By: 

LEONARD E. SCHWARTZER, ESQ.

Attorneys for Debtor and Debtor-In-Possession

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