

ORDERED.

Dated: April 29, 2016



Karen S. Jennemann
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
www.flmb.uscourts.gov

In re)	
)	
ORLANDO GATEWAY PARTNERS,)	Case No. 6:15-bk-03448-KSJ
LLC,)	Chapter 7
)	
Debtor.)	
_____)	
ORLANDO GATEWAY PARTNERS,)	
LLC,)	
)	
Plaintiff,)	
vs.)	Adversary No. 6:15-ap-00084-KSJ
)	
GOOD GATEWAY, LLC, <u>et. al.</u> ,)	
)	
Defendants.)	
_____)	

CASE MANAGEMENT ORDER

From 2010 until July 2015, the Florida Business Law Court for the Ninth Judicial Circuit has aptly administered complex litigation¹ involving multiple parties, including the two debtors in

¹ The state court action is styled: *Good Gateway, LLC vs. Orlando Gateway Partners, LLC, et al.*, Case No. 2010-CA-015315-0.

these related bankruptcy cases—Nilhan Hospitality, LLC and Orlando Gateway Partners, LLC.² The state court, after a lengthy trial, entered a jury verdict and judgments against the Debtors and other related parties for \$2.5 and \$12 million.³ An appeal before the Florida Fifth District Court of Appeals is pending.

On July 10, 2015, the Debtors removed the pending state court action to this Court. All non-debtor parties consented to or did not oppose the removal, and the parties collectively are involved in post-judgment collection actions. At the status conference in this removed action held on March 28, 2016, the Court has concluded this case management order establishing procedures and providing clear directions to the parties is needed to manage the growing tentacles of these collection efforts. Due to the delays attendant to the removal, the complexity of the removed litigation, changes in attorneys, compliance with some outstanding discovery requests, and the growing number of non-debtor parties, prior motions filed both in this Court and in the state court are largely dated, and no longer reflect the current status of the parties' disagreements. Accordingly, it is:

ORDERED:

1. **All** pending motions⁴ are denied without prejudice with two exceptions discussed in paragraphs 5 and 6 below. Parties may file new, more concise motions summarily stating the relief they seek.

² Nilhan Hospitality, LLC and Orlando Gateway Partners, LLC filed separate Chapter 11 reorganization cases on April 20, 2016. They are jointly administered under Case 6:15-bk-3447-KSJ. The Chapter 11 cases converted to Chapter 7 liquidation cases on February 10, 2016, and Emerson C. Noble is the Chapter 7 Trustee.

³ The \$2.5 million verdict was in favor of Good Gateway, LLC. The \$12 million verdict was in favor of SEG Gateway, LLC.

⁴ Motions denied by this ruling include Good Gateway, LLC's Third Motion for Proceedings Supplementary (Doc. No. 70); Defendants' Motion to Compel and Response (Doc. Nos. 128 and 231); Defendants' Fourth Post Judgment Motion to Compel and For Contempt and Response (Doc. Nos. 132 and 232); Defendants' Motion for Injunction, Writs of Attachment and Replevin and Response (Doc. Nos. 133 and 233); Defendants' Motion Regarding Issues to be Tried (#134); Defendants' Motion to Compel for Civil Contempt and Response (Doc. No. 137 and 234); and Motion for Proceedings Supplementary and Impleader (Doc. No. 182).

2. Administrative Order FLMB-2014-10 shall apply to this Adversary Proceeding including the requirement in paragraph 6(a) providing that “all motions, responses, and replies shall comply with the Court’s Style Guide, be double spaced, and where appropriate, include a legal memorandum containing argument and citations of authorities.” Papers should not exceed ten pages in length absent **prior** leave of Court.

3. Parties must file any future motion using the Court’s negative notice procedure and providing the responding party a 14 day response period. The Court will strike any motion not served by negative notice. Parties may file a reply, if desired, no later than seven days after a response is filed. Unless scheduled by the Court, no oral argument is permitted. If a timely response is not filed to a motion, the movant shall submit a proposed order within three days after the expiration of the negative notice period.

4. If a discovery dispute occurs or if a renewed motion is contemplated, the parties shall first, as required by Fed. R. Bankr. P. 7037(a)(1), confer by either telephone or in person in a good faith effort to resolve the issues. **Conferring via email alone will not satisfy the parties’ good faith obligation.** Given the parties’ litigious history, the Court will not permit informal telephone conferences; however, the Court, if needed, will appoint a special master to expeditiously resolve discovery and other disputes with costs to be borne equally between the parties.

5. For the Motion for Order of Procedure Concerning Additional Claims for Relief and to Require Separate Adversary Case Numbers⁵ filed by non-debtor defendants, Good Gateway, LLC and SEG Gateway, LLC shall file a written response by **April 29, 2016**. Movants

⁵ Doc. No. 194.

may file a reply, if desired, by **May 13, 2016**. The Court will request oral argument on the Motion at a status conference set for **1:00 p.m. on June 9, 2016**.

6. The Court will take under advisement the Motion for Reconsideration and Motion to Stay Execution⁶ filed by non-debtor defendants on **April 27, 2016**. No oral argument is requested.

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The Clerk is directed to serve a copy of this order on all interested parties.

⁶ Doc. Nos. 219 and 220.