

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

In re: Medley LLC, ¹ Debtor.	Chapter 11 Case No. 21-10526 (KBO)
MEDLEY LLC LIQUIDATING TRUST, Plaintiff, v. EVERSHEDS SUTHERLAND (US) LLP, Defendant(s).	Adv. Proc. No. 23-50121 (KBO) Re: Docket Nos. 1 & 4

CERTIFICATION OF COUNSEL REGARDING SCHEDULING ORDER

The undersigned hereby certifies as follows:

1. On March 3, 2023, the plaintiff in the above-captioned case (the “Plaintiff”) filed an adversary complaint [Adv. Pro. 1] with the United States Bankruptcy Court for the District of Delaware (the “Court”).

2. On June 23, 2023, the defendant in the above-captioned case (the “Defendant”) filed *Eversheds Sutherland (US) LLP’s Answer, Affirmative Defenses and Counterclaim to Complaint to Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 544, 547, 548 and 550* [Adv. Pro. 4].

3. Following negotiations between the Plaintiff and the Defendant (together with the Plaintiff, the “Parties”), the Parties met and conferred and agreed to the schedule set forth in the

¹ The Debtor’s current mailing address is c/o Medley LLC Liquidating Trust, c/o Saccullo Business Consulting, LLC, 27 Crimson King Drive, Bear, DE 19701.



proposed scheduling order (the “Scheduling Order”), attached hereto as **Exhibit A**, for the Court’s consideration.

WHEREFORE, the Plaintiff respectfully requests that the Scheduling Order, attached hereto as **Exhibit A**, be entered at the earliest convenience of the Court.

Dated: February 12, 2024
Wilmington, Delaware

Respectfully submitted,

/s/ Sameen Rizvi

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EXHIBIT A

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

<p>In re:</p> <p>Medley LLC,¹</p> <p style="text-align: center;">Debtor.</p>	<p>Chapter 11</p> <p>Case No. 21-10526 (KBO)</p>
<p>MEDLEY LLC LIQUIDATING TRUST,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>EVERSHEDS SUTHERLAND (US) LLP,</p> <p style="text-align: center;">Defendant(s).</p>	<p>Adv. Proc. No. 23-50121 (KBO)</p>

SCHEDULING ORDER

To promote the efficient and expeditious disposition of the above-captioned adversary proceeding (the “Adversary Proceeding”), the following schedule (the “Scheduling Order”) shall apply to the Adversary Proceeding.

IT IS HEREBY ORDERED that:

1. The discovery planning conference described in Fed. R. Civ. P. 26(f), made applicable by Fed. R. Bankr. P. 7026, shall be deemed to have taken place; provided, however, that the parties each reserve their rights regarding issues concerning electronic discovery.
2. The parties shall provide the initial disclosures under Fed. R. Civ. P. 26(a)(1) no later than twenty-one (21) days from the date of this Scheduling Order.

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3. All fact discovery shall be completed no later than one hundred fifty (150) days from the date of this Scheduling Order.

4. Any expert report required pursuant to Fed. R. Civ. P. 26(a)(2)(B) shall be served by the party which bears the burden of proof for that issue no later than thirty (30) days after the close of fact discovery. Any party's expert report intended to rebut any other expert report, including any other expert reports that may be filed earlier than the deadlines established in this subparagraph, shall be provided no later than thirty (30) days after the report being rebutted; provided, however, that in no event shall the thirty (30) day period start prior to one hundred twenty (120) days from the date of this Scheduling Order. All reports shall provide the information required by Fed.R.Civ.P. 26(a)(2)(B). All expert discovery, including any depositions of experts, shall be completed by no later than two hundred forty-five (245) days from the date of this Scheduling Order.

5. All dispositive motions shall be filed and served no later than thirty (30) days after the close of expert discovery and shall be subject to Local Rule 7007-1.

6. The Adversary Proceeding is assigned to mediation pursuant to Local Rule 9019-5.

7. No later than one hundred twenty (120) days after this Scheduling Order is entered, the parties shall file a Stipulation Regarding Appointment of a Mediator setting forth the mediator selected by the parties. If the parties cannot agree on a mediator, the Plaintiff shall file a statement alerting the Court that the parties cannot agree on a mediator and a request that the Court select and appoint a mediator to the proceeding.

8. Within sixty (90) days after the entry of an order assigning the Adversary Proceeding to a mediator, the mediator shall either (a) file the mediator's certificate of completion,

or, (b) if the mediation is not concluded, file a status report that provides the projected schedule for completion of the mediation.

9. The parties shall file, no later than three (3) business days prior to the date set for trial, their Joint Pretrial Memorandum approved by all counsel and shall contemporaneously deliver two (2) copies thereof to Judge Owens's Chambers.

10. As soon as is feasible after the close of all expert discovery, the Plaintiff shall contact the Court to schedule a final pretrial conference in accordance with Local Rule 7016-2(a).

11. The Plaintiff shall immediately notify Chambers upon the settlement, dismissal or other resolution of the Adversary Proceeding subject to this Scheduling Order and shall file with the Court appropriate evidence of such resolution as soon thereafter as is feasible. Plaintiff shall immediately advise Chambers, in writing, of any occurrence or circumstance that Plaintiff believes may suggest or necessitate the adjournment or other modification of the trial setting.

12. Deadlines contained in this Scheduling Order may be extended by written agreement of the parties or upon written motion or stipulation for cause shown. The Plaintiff shall serve this Scheduling Order on each of the Defendants in the above-captioned Adversary Proceeding within five (5) business days after the entry of this Scheduling Order.