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12 Attorneys for FEDERAL DEPOSIT
13 INSURANCE CORPORATION,
14 as receiver of Integrity Bank,
15 a Georgia Banking Corporation,
16 Plaintiff

17 UNITED STATES DISTRICT COURT
18
19 NORTHERN DISTRICT OF CALIFORNIA

20 FEDERAL DEPOSIT INSURANCE
21 CORPORATION, as receiver of Integrity
22 Bank, a Georgia Banking Corporation,

23 Plaintiff,

24 vs.

25 MHG CASA MADRONA HOTEL, LLC, a
26 Georgia Limited Liability Company,

27 Defendant.

Case No: CV 09 1895 (PJH)

**SECOND CASE MANAGEMENT
CONFERENCE STATEMENT OF
PLAINTIFF
AND ORDER**

Date: October 29, 2009
Time: 2:30 p.m.
Courtroom 3
1301 Clay Street
Oakland, California

1 Plaintiff Federal Deposit Insurance Corporation ("FDIC") files this second case
2 management statement and recommends that the case management conference be continued
3 for 60 days. Defendant has not answered the complaint, nor otherwise appeared in this action.

4 On August 10, 2009, the Defendant, MHG Casa Madrona Hotel, LLC filed a petition for
5 relief under Chapter 11 of the Bankruptcy Code. A copy of the notice of commencement of
6 bankruptcy case is attached hereto. The commencement of the bankruptcy case has
7 automatically stayed this action. 11 U.S.C. §362(a).

8 On October 8, 2009, the bankruptcy court appointed a chapter 11 trustee to take
9 possession of the assets of the debtor's estate. The receiver appointed by this court is in the
10 process of turning over the property of which he has custody to the bankruptcy trustee. A final
11 hearing has been scheduled in the bankruptcy court for November 12, 2009, on the FDIC's
12 motion for relief from the automatic stay or in the alternative to dismiss the bankruptcy case.
13 The outcome of that hearing will determine whether this action may continue or shall be
14 dismissed.

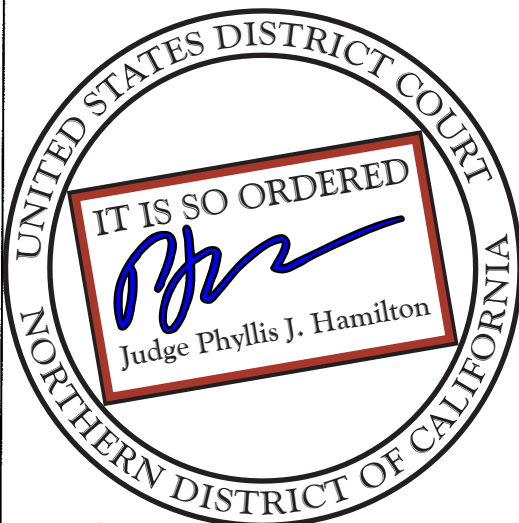
15 Under the circumstances, and plaintiff recommends that the case management
16 conference again be continued for 60 days. The case management conference is continued to
17 December 17, 2009 at 2:00 p.m.

18 Dated: October 20, 2009

Nossaman LLP
John T. Hansen
James H. Vorhis

21 By: /s/ John T. Hansen
22 John T. Hansen
23 FEDERAL DEPOSIT INSURANCE CORPORATION,
24 as receiver of Integrity Bank, a Georgia Banking
25 Corporation

26 10/23/09



United States Bankruptcy Court
Northern District of California

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 11 of the United States Bankruptcy Code, entered on 08/10/2009 at 7:04 PM and filed on 08/10/2009.

MHG Casa Madrona Hotel, LLC
8370 W. Flagler Street
Miami, FL 33144-2078
Tax ID / EIN: 20-2599890



The case was filed by the debtor's attorney:

Tracy Green
Wendel, Rosen, Black and Dean
1111 Broadway 24th Fl.
P.O. Box 2047
Oakland, CA 94607
(510) 834-6600

The case was assigned case number 09-12536.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <https://ecf.canb.uscourts.gov/> or at the Clerk's Office, 99 South "E" Street, Santa Rosa, CA 95404.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Gloria L. Franklin
Clerk, U.S. Bankruptcy
Court

1 **CERTIFICATE OF SERVICE**

2 The undersigned declares:

3 I am employed in the County of San Francisco, State of California. I am over the
4 age of 18 and am not a party to the within action; my business address is c/o
Nossaman LLP, 50 California Street, 34th Floor, San Francisco, CA 94111.

5 On October 20, 2009, I served the foregoing **SECOND CASE MANAGEMENT**
6 **CONFERENCE STATEMENT OF PLAINTIFF** on parties to the within action as follows:

7 X (By U.S. Mail) On the same date, at my said place of business, a true copy
8 thereof enclosed in a sealed envelope, addressed as shown on the attached
9 service list was placed for collection and mailing following the usual business
10 practice of my said employer. I am readily familiar with my said employer's
business practice for collection and processing of correspondence for mailing
with the United States Postal Service, and, pursuant to that practice, the
correspondence would be deposited with the United States Postal Service, with
postage thereon fully prepaid, on the same date at San Francisco, California.

11 ☐ (By Facsimile) I served a true and correct copy by facsimile pursuant to C.C.P.
12 1013(e), to the number(s) listed on the attached sheet. Said transmission was
13 reported complete and without error. A transmission report was properly issued
14 by the transmitting facsimile machine, which report states the time and date of
sending and the telephone number of the sending facsimile machine. A copy of
that transmission report is attached hereto.

15 ☐ (By Overnight Service) I served a true and correct copy by overnight delivery
16 service for delivery on the next business day. Each copy was enclosed in an
17 envelope or package designated by the express service carrier; deposited in a
18 facility regularly maintained by the express service carrier or delivered to a
courier or driver authorized to receive documents on its behalf; with delivery fees
paid or provided for; addressed as shown on the accompanying service list.

19 ☐ (By Electronic Service) By emailing true and correct copies to the persons at the
20 electronic notification address(es) shown on the accompanying service list. The
21 document(s) was/were served electronically and the transmission was reported
as complete and without error.

22 Executed on October 20, 2009.

23 ☐ (STATE) I declare under penalty of perjury under the laws of the State of
California that the foregoing is true and correct.

24 X (FEDERAL) I declare under penalty of perjury under the laws of the United
25 States of America that the foregoing is true and correct.

26 /s/ Maura Bonal
27 Maura Bonal
28

SERVICE LIST

MHG Casa Madrona Hotel, LLC
Attention: Guy Mitchell, President
4763 Southwest 82nd Street
Miami, Florida 33143

Troutman Sanders, LLP
Attention: John E. Bruehner
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