IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA No. 4:12-CV-35-D

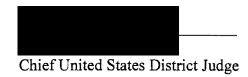
D.A.N. JOINT VENTURE III, L.P.,	
Appellant,	; ;
VS.	i i
L.L. MURPHREY COMPANY, ET AL.,	
Appellees.	į

AGREED ORDER ON MOTION FOR STAY OF BRIEFING ON APPEAL AND ESTABLISHING DEADLINES FOR FILING BRIEFS

Before the Court is Appellant D.A.N. JOINT VENTURE III, L.P.'s ("DJV") Emergency Motion for Stay of Briefing on Appeal Pending Decision by Bankruptcy Court on Rule 60(b) Motion for Reconsideration (Dkt No. 15) (the "Motion"). The parties have indicated to the Court, by virtue of the signatures of respective counsel below, that they have resolved the Motion by agreeing to entry of this Order establishing specific deadlines by which the parties shall file their respective briefs on appeal.

Accordingly, it is ORDERED, as follows:

- 1. The Motion shall be GRANTED but only as set forth herein.
- 2. DJV's opening brief, as the appellant in this appeal, shall be filed on or before May 15, 2012.
- 3. Appellees L.L. Murphrey Company, et al.'s, opening brief in response to the brief filed by DJV shall be filed on or before June 5, 2012.
- 4. DJV's brief in reply to Appellees opening response brief shall be filed on or before June 15, 2012.



AGREED:

CANTEY HANGER LLP1

By: /s/ Bruce W. Akerly

Bruce W. Akerly

Texas Bar No. 00953200 bakerly@canteyhanger.com

Arthur A. Stewart

Texas Bar No. 19203500 astewart@canteyhanger.com

1999 Bryan Street, Suite 3300

Dallas, Texas 75201

Telephone: (214) 978-4129 Facsimile: (214) 978-4150

/s/ A. Scott McKellar

A. Scott McKellar NC State Bar No. 27965 smckellar@bwsw.com

Battle, Winslow, Scott & Wiley, P.A.

2343 Professional Drive

P. O. Box 7100

Rocky Mount, North Carolina 27804-0100

Telephone: (252) 937-2200 Facsimile: (252) 451-6836 Local Rule 83.1 Counsel

ATTORNEYS FOR APPELLANT D.A.N. JOINT

VENTURE III, L.P.

¹ The firm of Cantey Hanger LLP and it counsel were substituted for prior counsel representing DJV in the Action. (See Adv. Dkt. No. 62). The undersigned counsel and Cantey Hanger LLP will seek leave of this Court to appear in this matter on a pro hac vice basis.

STUBBS & PERDUE, PA

By: /s/ Trawick H. Stubbs, Jr.
Trawick H. Stubbs, Jr.
N.C. State Bar No. 4221

310 Craven St. P.O. Drawer 1654 New Bern, NC 28563 (919) 870-6258 Telephone

WHITE & ALLEN, P.A.

By: /s/ John P. Marshall
John P. Marshall
N.C. State Bar No. 16732

P.O. Box 3169 Kinston, NC 28502 (252) 527-8000 Telephone

ATTORNEYS FOR APPELLEES L.L. MURPHREY COMPANY, ET AL.