

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

TRUMP ENTERTAINMENT RESORTS,
INC., *ET AL.*¹,

Debtors.

Case No. 14-12103 (KG)

Chapter 11

(Jointly Administered)

ORDER APPROVING JOINT STIPULATION TO
**(A) RESOLVE THE COMMITTEE'S MOTION TO COMPEL
DISCOVERY, AND (B) EXTEND CHALLENGE PERIOD**

THIS MATTER having come before the court upon stipulation between the parties, and good cause appearing therefore, it is **HEREBY ORDERED**:

1. The terms of the parties' *Joint Stipulation to (A) Resolve the Committee's Motion to Compel Discovery, and (B) Extend the Challenge Period*, attached hereto as **Exhibit A**, are approved.
2. The terms of the Court's *Final Order (A) Authorizing Postpetition Use of Cash Collateral, (B) Granting Adequate Protection to the Secured Parties, and (C) Granting Related Relief* [D.I. 342] are hereby modified, to the extent necessary, as set forth in the Joint Stipulation.

Dated: January 16, 2015


Hon. Kevin Gross
United States Bankruptcy Judge

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Trump Entertainment Resorts, Inc. (8402), Trump Entertainment Resorts Holdings, L.P. (8407), Trump Plaza Associates, LLC (1643), Trump Marina Associates, LLC (8426), Trump Taj Mahal Associates, LLC (6368), Trump Entertainment Resorts Development Company, LLC (2230), TER Development Co., LLC (0425) and TERH LP Inc. (1184). The mailing address for each of the Debtors is 1000 Boardwalk at Virginia Avenue, Atlantic City, NJ 08401.

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**JOINT STIPULATION TO (A) RESOLVE THE COMMITTEE'S MOTION TO COMPEL
DISCOVERY, AND (B) EXTEND CHALLENGE PERIOD**

The Official Committee of Unsecured Creditors (the "Committee") of Trump Entertainment Resorts, Inc. ("TER") and its affiliated chapter 11 debtors and debtors-in-possession (collectively, the "Debtors"), together with the Debtors and the Secured Parties² (collectively, the "Parties"), by and through their undersigned counsel, submit this Joint Stipulation to resolve the Committee's Motion to Compel Production of Documents from the Icahn Entities [Dkt. No. 717] demanded pursuant to the Committee's pending subpoena to the Secured Parties pursuant to Fed. R. Bankr. P. 2004, dated October 15, 2014 (the "Subpoena"), and (b) extend the Committee's Challenge Period to February 13, 2015 without prejudice to further extension.

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² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Court's *Final Order (A) Authorizing Postpetition Use of Cash Collateral, (B) Granting Adequate Protection to the Secured Parties, and (C) Granting Related Relief* [D.I. 342] (the "Final Cash Collateral Order").

WHEREAS, the Committee's counsel and the Secured Parties' counsel have conferred regarding the Committee's Motion to Compel Production of Documents from the Icahn Entities [Dkt. No. 717]; and

WHEREAS, the Parties' respective counsel have conferred regarding extending the Committee's Challenge Period.

THEREFORE, by and between the Committee and the Secured Parties it is stipulated and agreed as follows:

- A.) The Secured Parties will produce all non-privileged internal Secured Party documents and analysis, and communications with third parties, that are responsive to the categories set forth in the Subpoena in Requests 2-6, 9-11, and 16-27, for the time period October 6, 2010 to present, based on application of search terms to be agreed upon by the Committee and the Secured Parties, provided, however, that Requests 24 and 25 shall not be construed to extend to documents regarding Unite Here Local 54 or NRF that do not relate to Debtors;
- B.) The Secured Parties will add Hunter Gary and Dan Ninivaggi to the list of custodians whose documents are searched;
- C.) Based upon the Secured Parties' representation that all responsive documents in the possession of Carl Icahn were also in the possession of other custodians whose records were searched, the Committee withdraws its request that a renewed search using Carl Icahn as a custodian be performed;
- D.) The Committee withdraws its request that Tony Rodio be added to the list of custodians whose records are gathered;
- E.) The Committee withdraws its request that outside counsel other than the Dechert firm be added to the list of custodians whose records are gathered;
- F.) With respect to the Secured Parties' already completed search for communications between the Secured Parties and the Debtors, the Committee agrees that the Secured Parties need not expand the time period searched beyond the two-year search already performed;

AND, by and between the Parties it is stipulated and agreed as follows:

- A.) The Challenge Period (and the deadline for the Committee to file a Standing Motion), with respect to the Committee only, is hereby extended to February

13, 2015, without prejudice to the Committee's right to seek further extension on consent or by a Court order, and without prejudice to the Secured Parties or the Debtors' right to oppose further extensions;

- B.) If requested by the Committee, the Secured Parties and Debtors shall each produce a witness for examination pursuant to the Subpoenas on a mutually agreeable date no later than ten (10) calendar days following receipt by the Committee's counsel of written notice from both Debtors and the Secured Parties that all non-privileged documents in response to the Subpoenas have been produced;
- C.) The Committee shall not argue raise or rely on the Secured Parties' and the Debtors' entry into this Stipulation and consent to extend the Challenge Period as ground supporting objections to the approval of the Disclosure Statement and to confirmation of a chapter 11 plan. Entry of this Stipulation is nonetheless without waiver of any objections the Committee otherwise has to the approval of the Disclosure Statement and to confirmation of a chapter 11 plan.
- D.) A proposed Order granting the relief stipulated and agreed to in this Joint Stipulation shall be submitted to the Court contemporaneously herewith; and
- E.) Except as expressly provided herein, the Final Cash Collateral Order otherwise shall remain in full force and effect.

Dated: January 15, 2015
Wilmington, Delaware

**YOUNG CONAWAY STARGATT &
TAYLOR, LLP**

/s/ Robert F. Poppiti, Jr.

Matthew B. Lunn (No. 4119)
Robert F. Poppiti, Jr. (No. 5052)
Ian J. Bambrick (No. 5455)
Ashley E. Markow (No. 5635)
Rodney Square
1000 N. King Street
Wilmington, Delaware 19801
Telephone: (302) 571-6600
Facsimile: (302) 571-1253

-and-

STROOCK & STROOCK & LAVAN LLP

GIBBONS P.C.

/s/ Natasha M. Songonuga

Natasha M. Songonuga, Esq. (No. 5391)
1000 N. West Street, Suite 1200
Wilmington, DE 19801-1058
Telephone: (302) 295-4875
Facsimile: (302) 295-4876
E-mail: nsongonuga@gibbonslaw.com

Karen A. Giannelli, Esq.
Mark B. Conlan, Esq.
One Gateway Center
Newark, New Jersey 07102-5310
Telephone: (973) 596-4500
Facsimile: (973) 639-6278
E-mail: kgiannelli@gibbonslaw.com
E-mail: mconlan@gibbonslaw.com

<p>Kristopher M. Hansen Erez E. Gilad Gabriel E. Sasson 180 Maiden Lane New York, New York 10038-4982 Telephone: (212) 806-5400 Facsimile: (212) 806-6006</p> <p><i>Counsel for the Debtors and Debtors in Possession</i></p>	<p>-and-</p> <p>LAW OFFICE OF NATHAN A. SCHULTZ, P.C.</p> <p>Nathan A. Schultz, Esq. 10621 Craig Road Traverse City, MI 49686 Telephone: (310) 429-7128 Facsimile: (231) 421-5731 E-mail: nschultzesq@gmail.com</p> <p><i>Co-Counsel to the Official Committee of Unsecured Creditors</i></p>
<p>DECHERT LLP</p> <p><u>/s/ Allan S. Brilliant</u></p> <p>Allan S. Brilliant 1095 Avenue of the Americas New York, NY 10036-6797 Telephone: (212) 698-3600 Facsimile: (212) 698-3599 Email: allan.brilliant@dechert.com</p> <p>-and-</p> <p>MORRIS, NICHOLS, ARSHT & TUNNELL LLP</p> <p>Robert J. Dehney (No. 3578) Andrew R. Remming (No. 5120) 1201 North Market Street, 18th Fl. P.O. Box 1347 Wilmington, Delaware 19899 Telephone: 302-658-9200 Facsimile: 302-658-3989</p> <p><i>Counsel for the Secured Parties</i></p>	