

appeared for Allen Concrete. A hearing regarding the application on administrative expenses was scheduled for August 5, 2010. The Court now continues the evidentiary hearing with regard to the application for administrative expenses and schedules an evidentiary hearing with regard to the motion to compel assumption or rejection of the partnership agreement:

EVIDENTIARY HEARING

Hearing on the application for administrative expenses and motion to compel assumption or rejection of the partnership agreement is now set for **October 5, 2010** at **10 am.** (hereafter “Trial Date”) at the United States Bankruptcy Court, Ralph Regula U.S. Courthouse, 401 McKinley Ave. SW, Canton, OH 44702. The entire day will be reserved for the hearing.

The term “filing” means electronic filing with a copy to be delivered to the clerk’s office with an indication that they are for use in the specified trial. Please call chambers if you are concerned that the volume of documents renders electronic filing unwise.

The following are required in order to proceed to trial in this matter:

- A. Each party shall serve a list of the names and addresses of all witnesses who will testify at trial together with a brief summary of the area of testimony the witness will present by September 28, 2010. The names and addresses of all witnesses are to be filed with the court no later than September 28, 2010. Counsel shall attach a copy of each expert witness curriculum vitae to their witness list.
- B. Counsel shall jointly file with the court, by not later September 30, 2010, all facts and documentary evidence not in dispute that can be stipulated to in this matter.
- C. Counsel may, but are not required to, furnish to each other and file with the court proposed findings of fact and conclusions of law, by not later than September 30, 2010. Such conclusions of law must include, at a minimum, citations to Supreme Court and Sixth Circuit

case law, if any, that may be binding upon this court. Further, as to any non-bankruptcy issues that counsel address, the conclusions of law must also include citations to law from the applicable jurisdiction.

D. Counsel may, but are not required to, furnish to each other additional trial briefs of not longer than five pages in length in support of their positions, and file the same with the court by not later than Septemebr 30, 2010.

E. Counsel shall exchange all documents which are not the subject of the above stipulations and which they intend to introduce into evidence, and file the same with the court, by not later than September 30, 2010. While these documents may be filed as joint exhibits, if not, plaintiff's exhibits are to be marked "Plaintiff's Exhibits" and identified by letters, and defendant's exhibits are to be marked "Defendant's Exhibits" and identified by number.

ONLY EXHIBITS SO LISTED SHALL BE OFFERED AS EVIDENCE AT THE TRIAL, EXCEPT FOR GOOD CAUSE SHOWN. (An example is impeachment in certain circumstances.)

Any party who intends to introduce photographs on the exhibit list shall provide a complete set of photographs, made from the negatives, to each party and the court. The photographs should be placed in a marked envelope or envelopes as appropriate for the exhibit. Photographs may be placed in a single envelope and marked as an exhibit. However, each photograph should also be separately marked in some manner for record purposes. Copies made on photocopy machines are not acceptable.

Any party who lists recordings of any nature in any form shall provide a true copy of the recording in a marked envelope. The parties are advised that they are responsible for ensuring that there is equipment available in the courtroom for any recordings, if admitted

into evidence, to be played in the courtroom. This applies whether it is audio, video, or any other type of recording.

F. Opening and closing statements, if any, shall be brief except in unusual circumstances.

Pursuant to Fed. R. Bankr. P. 7016(f), if a party or counsel fails to obey a scheduling or pretrial order, or if no appearance is made on behalf of a party at a scheduling or pretrial conference, or if a party or party's attorney fails to participate in good faith, the court may impose sanctions on either the party or counsel, as provided in Fed. R. Bankr. P. 7037(b)(2)(B),(C),(D).

FAILURE OF COUNSEL TO COMPLY WITH THIS ORDER MAY RESULT IN SUMMARY DISPOSITION OF THE CASE OR THE INVOCATION OF OTHER APPROPRIATE ACTION.

IT IS SO ORDERED.

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CERTIFICATE OF NOTICE

District/off: 0647-6
Case: 10-60702

User: lwinn
Form ID: pdf748

Page 1 of 2
Total Noticed: 23

Date Rcvd: Jul 07, 2010

The following entities were noticed by first class mail on Jul 09, 2010.

db +Schwab Industries, Inc., 2301 Progress Street, P.O. Box 400, Dover, OH 44622-0400
aty +Robert E. Messick, Icard, Merrill, et al, P.A., 2033 Main St, Suite 600,
Sarasota, FL 34237-6093
cr +Allen Concrete & Masonry, Inc., 6301 Shirley Street, Naples, FL 34109-6209
intp +Atlas Concrete Walls, Inc., 44901 State Route 18, Wellington, OH 44090-8939
sp +Brouse McDowell, 388 S. Main Street Suite 500, Akron, OH 44311-4419
cr +Crown Castle Inc., c/o Anthony J. DeGirolamo, Esq, Courtyard Centre Suite 307,
116 Cleveland Avenue NW, Canton, OH 44702-1744
app +Gillott Appraisal Services Inc., 3136 Windmoor Dr N, Palm Harbor, FL 34685-1741
cr +Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P., 2033 Main St, Suite 600,
Sarasota, FL 34237-6093
cr +L&H Bulk Services, c/o Gregory C. Farell, 7654 West Bancroft, Toledo, oh 43617-1658
cr +Lehigh Cement Company, 7660 Imperial Way, Allentown, PA 18195-1040
intp +Manatee County Port Authority, 300 Tampa Bay Way, Palmetto, FL 34221-6603
consult +Morris-Depew Associates Inc., 2914 Cleveland Ave, Fort Myers, FL 33901-6003
intp +Naples Lending Group, L.P., 9180 Galleria Court, Suite 600, Naples, FL 34109-4385
cr +Ohio Bureau of Workers' Compensation, c/o Cheryl A. Wear, AAG, Ohio Attorney General's Office,
615 West Superior Ave., 11th flr., Cleveland, OH 44113-1899
cr +Ohio Department of Taxation, Ohio Attorney General, c/o Cheryl A. Wear,
615 W. Superior Ave. 11th Floor, Cleveland, OH 44113-1899
cr +Ohio Farmers Insurance Co., c/o Michael J. Kaczka, Esq., McDonald Hopkins LLC,
600 Superior Avenue, East, Suite 2100, Cleveland, OH 44114-2653
cr +Oldcastle Materials, Inc., c/o Paul M. Rosenblatt, Esq., Kilpatrick Stockton LLP,
1100 Peachtree Street NE, Suite 2800, Atlanta, GA 30309-4530
cr +St. Marys Cement Co., c/o Finley & Co., LPA, 45 W. Prospect Ave., #1650-G,
Cleveland, OH 44115-1005
cr +The Euclid Chemical Company, 19218 Redwood Road, Cleveland, OH 44110-2799, UNITED STATES
cr +The Huntington National Bank, 555 Southpointe Boulevard, 2nd Floor (CAB 11),
Canonsburg, PA 15317-8592

The following entities were noticed by electronic transmission on Jul 07, 2010.

app +E-mail/Text: tconery@aol.com Conery Valuation Group, 1437 Bayberry Dr,
Jamison, PA 18929-1747
cr E-mail/Text: susanp@taxcollector.com Ken Burton,
Manatee County Tax Collector, PO Box 25300, Bradenton, FL 34206-5300
cr +Fax: 202-326-4112 Jul 07 2010 21:28:25 Pension Benefit Guaranty Corporation,
Office of the Chief Counsel, 1200 K Street, N.W., Suite 340, Washington, DC 20005-4030
TOTAL: 3

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

aty Constellation NewEnergy-Gas Division, LLC
op Atwell, LLC
cr BANK OF AMERICA
cr Cavaliers Operating Company d/b/a Quicken Loans Ar
auc Cincinnati Industrial Auctioneers, Inc.
fa Conway Mackenzie, Inc.
intp David R. Exley
cr Holcim (US) Inc.
cr KeyBank National Association
cr Lafarge Corporation
cr National Lime & Stone Company
crcm Official Committee Of Unsecured Creditors
cr Oscar Brugmann Sand & Gravel, Inc.
cr TCF Equipment Finance, Inc.
auc The Chartwell Group
op The Garden City Group, Inc.
op The Garden City Group, Inc.
cr The National Lime and Stone Company

TOTALS: 18, * 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

District/off: 0647-6
Case: 10-60702

User: lwin
Form ID: pdf748

Page 2 of 2
Total Noticed: 23

Date Rcvd: Jul 07, 2010

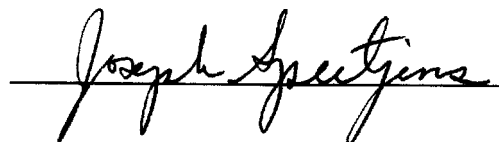
***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 09, 2010

Signature:

A handwritten signature in black ink, reading "Joseph Speetjens", written over a horizontal line.