

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

Minute Entry

Hearing Information:

Debtor: ARA MACAO HOLDINGS, L.P.
Case Number: 3:18-BK-03615-PS **Chapter:** 11
Date / Time / Room: MONDAY, AUGUST 13, 2018 01:30 PM 6TH FLOOR #601
Bankruptcy Judge: PAUL SALA
Courtroom Clerk: LUANN BELLER
Reporter / ECR: LETICIA OROSCO

Matters:

- 1) CONTINUED HEARING RE: DEBTOR'S MOTION TO APPOINT COMMITTEE OF LIMITED PARTNERS
R / M #: 0 / 0

- 2) CONTINUED HEARING RE: MOTION TO FILE UNDER SEAL MOTION TO: (I) FILE UNDER SEAL PUTATIVE DEBTOR'S OBJECTION TO PETITIONING CREDITORS' MOTION FOR IMMEDIATE APPOINTMENT OF A CHAPTER 11 TRUSTEE AND (II) PLACE UNDER SEAL PETITIONING CREDITORS MOTION FOR IMMEDIATE APPOINTMENT OF A CHAPTER 11 TRUSTEE FILED BY ARA MACAO HOLDINGS, L.P.
R / M #: 26 / 0

- 3) CONTINUED HEARING RE: APPLICATION TO EMPLOY APPLICATION TO EMPLOY STINSON LEONARD STREET, LLP AS SPECIAL COUNSEL FOR CHAPTER 11 TRUSTEE PURSUANT TO BANKRUPTCY CODE § 328(A) FILED BY G GRANT LYON .
R / M #: 123 / 0

Appearances:

CARY FORRESTER, TRUSTEE
ALAN A. MEDA, ATTORNEY FOR ARA MACAO HOLDINGS, L.P.
ADAM B NACH, ATTORNEY FOR G GRANT LYON, FORMER TRUSTEE
PATRICK A CLISHAM, ATTORNEY FOR UNSECURED CREDITOR'S COMMITTEE
MICHAEL W. CARMEL, ATTORNEY FOR EUGENE INGLES
CHRISTOPHER J PATTOCK, ATTORNEY FOR U.S. TRUSTEE

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Proceedings:

ITEM #3

Mr. Forrester stated that he would not like to move forward with the application at this time.

COURT: IT IS ORDERED DENYING THE APPLICATION WITHOUT PREJUDICE.

ITEM #2

Mr. Forrester addressed the motion, stating that he believes it is moot.

Mr. Meda confirmed that the debtor's motion can be withdrawn.

COURT: IT IS ORDERED VACATING THE ORDER AT DOCKET #31, AS THE DEBTOR'S MOTION HAS BEEN WITHDRAWN.

ITEM #1

Mr. Meda urged his motion, stating that there is a conflict of interest. He noted that the committee intends file a plan in September and confirm the plan by the end of the year.

Mr. Carmel explained his position, and stated that the he strongly supports the debtor's position.

Mr. Cross also supported the debtor.

Mr. Clisham stated that the unsecured creditors committee will take a back seat to the trustee. He stated that they do not have a realistic appraisal that they can use. Mr. Clisham stated that he is only asking that they stand back and wait to see what the trustee can do.

Mr. Forrester responded, stating that that he will personally try to get some if not all of the money back to _____

Mr. Pattock stated that the U.S. Trustee sees no basis for a limited partner's committee. He stated that the delay was the election.

Mr. Meda replied, stating that the debtor has nothing to gain in this case.

THE COURT PLACED ITS DECISION ON THE RECORD. THE DECISION ON THE RECORD CONSTITUTES FINDINGS OF FACT AND CONCLUSIONS OF LAW PURSUANT TO FED. R. CIV.P. 52 AS ADOPTED BY RULE 7052 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURES. THE DECISION CAN BE HEARD BY ACCESSING THE AUDIO FILE FROM THE

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CASE DOCKET. ANYONE WISHING A TRANSCRIPT OF THE DECISION MAY OBTAIN ONE BY CONTACTING THE ELECTRONIC COURT RECORDER.

COURT: FOR THE REASONS STATED, IT IS ORDERED DENYING DEBTOR'S MOTION TO APPOINT COMMITTEE OF LIMITED PARTNERS.