

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>John C. McLemore, Trustee,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:08-cv-21</b>
	)	<b>Judge Trauger</b>
<b>Regions Bank, as Successor in Interest by</b>	)	<b>Magistrate Judge Bryant</b>
<b>Merger to AmSouth Bank, and</b>	)	
<b>Mid Atlantic Capital Corporation,</b>	)	
	)	
<b>Defendants.</b>	)	

**TRUSTEE’S RESPONSE TO  
DEFENDANTS’ JOINT MOTION TO SET DEADLINE FOR TRUSTEE TO  
RESPOND TO MOTIONS TO DISMISS AND FOR LEAVE TO FILE REPLIES**

John C. McLemore, Trustee (the “Trustee”), files this response to the Defendants’ Joint Motion to Set Deadline for Trustee to Respond to Motions to Dismiss and for Leave to File Replies (Doc. No. 12).

This case is at present a moving target. Within the past couple of months, Defendant Mid Atlantic Capital Corporation (“MACC”) removed the Trustee’s adversary proceeding from Bankruptcy Court. The reference was withdrawn on February 11, 2008 (Doc. No. 7). Judge Wiseman recused himself and referred the case to Judge Trauger. MACC moved to consolidate it with No. 3:07-cv-841; that is pending.

The Defendants’ themselves state in their Joint Motion filed March 5, 2008, that they have deferred requesting an initial case management conference pending a ruling on Defendant MACC’s Motion to Consolidate. On March 7, 2008, however, MACC filed a pleading (Doc. No. 13) in which a case management conference was requested.

Until receipt of the Defendants' Joint Motion, the Trustee had proceeded under the assumption that activity on the Motions to Dismiss would proceed pursuant to a Scheduling Order. The Trustee submits that such a course of action would be the sensible way to proceed. In the alternative, if the Court should determine that the process of a Scheduling Order is premature at this time, the Trustee suggests that his responses to the Motions to Dismiss be due within thirty (30) days of entry of the Court's order on the Motion to Consolidate.

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## CERTIFICATE OF SERVICE

On March 10, 2008, this document was filed electronically with the Clerk's office by using the CM/ECF system and was simultaneously served upon the following using that same system:

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