

Fourth Motion of Florida Chinese Drywall Plaintiffs for Entry of an Order Allowing Late Filed Claim (the “Fourth Florida Extension Motion”)

By the Fourth Florida Extension Motion, owners (collectively, the “Movants”) of approximately 60 homes constructed by the Debtors in Parkland Golf and Country Club and the Heron Bay subdivisions in Parkland, Florida, Sun City, Florida, Venetian Gold and River Club in North Venice, Florida, The Landings at Waterlefe and The Sound at Waterlefe in Bradenton, Florida, and Pelican Preserve in Fort Meyers, Florida (the “Homes”) seek permission to file their proofs of claim approximately five months after the deadline established for filing proofs of claim (the “Bar Date”).¹

The Movants allege that (i) as of August 4, 2008 (the petition date), the Debtors had completed construction of the Homes, (ii) the Homes show symptoms of containing tainted drywall imported from China (“Chinese Drywall” and the claims related thereto, the “Drywall Claims”), (iii) the Movants were not fully apprised of the Drywall Claims prior to the Bar Date, (iv) the Debtors did not generally acknowledge the problems of Chinese Drywall prior to the Bar Date, and (v) the Debtors continue to inspect homes in Parkland, and such inspections are scheduled to occur for some of the Movants.

As a result of the foregoing allegations, the Movants assert that (i) they were not aware of the existence of the Drywall Claims prior to the Bar Date and acted expeditiously to have their Drywall Claims deemed timely filed, (ii) the Debtors were generally aware of the assertion of the Drywall Claims prior to the Bar Date, and (iii) allowing the Movants to file their claims would not prejudice other creditors.

¹ Summaries of the three motions seeking similar relief filed by different groups of movants owning homes in Florida were previously posted to the Committee website. The Court has approved the previous motions, without objection.