

Bruce T. Beesley



Honorable Bruce T. Beesley
United States Bankruptcy Judge

Entered on Docket
March 20, 2013

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Laurel E. Davis (NV Bar No. 3005)
Craig S. Dunlap (NV Bar No. 4974)
FENNEMORE CRAIG JONES VARGAS
300 South Fourth Street, Suite 1400
Las Vegas, Nevada 89101
Telephone: (702) 692-8000
E-mail: ldavis@fclaw.com
E-mail: cdunlap@fclaw.com

Daniel S. Connolly, Esq.*
BRACEWELL & GIULIANI LLP
1251 Avenue of the Americas, 49th Fl.
New York, NY 10020
Telephone: (212) 508-6100
Facsimile: (212) 508-6101
Email: daniel.connolly@bgllp.com

**Admitted Pro Hac Vice*

Kurt A. Mayr, Esq.*
BRACEWELL & GIULIANI LLP
Goodwin Square
225 Asylum Street, Suite 2600
Hartford, CT 06103
Telephone: (860) 947-9000
Facsimile: (860) 246-3201
Email: kurt.mayr@bgllp.com

Counsel for the Noteholder Group

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re
AHERN RENTALS, INC.,
Debtor.

Chapter 11
Case No.: BK-N-11-53860-BTB
Date of Hearing: N/A
Time of Hearing: N/A

**ORDER APPROVING STIPULATION REGARDING SCHEDULING ORDER
WITH RESPECT TO PLAN CONFIRMATION HEARING**



1 The Court having reviewed and considered the Stipulation Regarding Scheduling Order
 2 With Respect to Plan Confirmation Hearing (“Stipulation”) entered into among the Debtor and
 3 the Noteholder Group,¹ other good cause appearing,

4 IT IS HEREBY ORDERED AS FOLLOWS:

- 5 1. The Stipulation is approved.
 6 2. The Schedule with respect to the Plan Confirmation Hearing shall be as follows:

7 8	March 18, 2013 at 4:00 pm PST	Deadline to serve plan confirmation document requests, identify custodians and propose search terms
9	March 21, 2013	Deadline to serve responses and objections to document requests
10	March 22, 2013	Deadline to meet and confer on document requests, custodians and search terms
11	March 25, 2013	Deadline to serve plan confirmation interrogatories
12	March 29, 2013	Deadline to serve answers to interrogatories
13	April 1, 2013	Deadline for mailing solicitation packages [Governed by Solicitation Procedures Order]
14	April 22, 2013	Completion of fact document productions (excluding document disputes concerning privilege) ²
15	April 26, 2013	Deadline to exchange privilege logs; Deadline to identify expected fact and expert witnesses
16	April 26, 2013 – May 10, 2013	Fact and expert deposition period
17	April 29, 2013	Deadline to meet and confer on privilege log and other outstanding discovery disputes
18	May 1, 2013	Deadline to exchange expert reports
19	May 3, 2013 at	Date and time reserved for conference call with Court if necessary to

20
21
22
23
24
25
26
¹ As set forth in the Supplemental Verified Statement of the Second Lien Noteholder Group Pursuant to Bankruptcy Rule 2019 [ECF No. 1580], the Noteholder Group consists of the following institutions: Del Mar Master Fund Ltd.; Feingold O’Keeffe Capital, LLC; Nomura Corporate Research & Asset Management Inc.; Och-Ziff Capital Management Group; Sphere Capital, LLC - Series B; and Wazee Street Capital Management, LLC.

² Productions to be on a rolling basis. Parties to agree on form of document exchange in order to ensure prompt delivery.

1	11:00am PST	resolve privilege log/discovery disputes
2	May 7, 2013 – 4:00pm PST	Deadline to produce documents ordered by Court as a result of May 3, 2013 conference call
3		
4	May 3, 2013	Deadline to produce documents resolved by the parties' 4/29 meet and confer
5	May 3, 2013 at 4:00pm PST	Submission of Plan Supplement [Governed by Solicitation Procedures Order]
6		
7	May 10, 2013	Deadline to exchange rebuttal expert reports
8	May 12-22, 2013	Rebuttal expert deposition period
9	May 13, 2013 at 4:00pm PST	Submission of Debtor/Noteholder Group Plan Objections [Governed by Solicitation Procedures Order]
10	May 13, 2013 at 4:00 pm PST	Voting Deadline; Submission of Creditor Plan Objections [Governed by Solicitation Procedures Order]
11		
12	May 20, 2013 at 4:00 pm PST	Deadline for Plan Objection Replies and ballot summaries [Governed by Solicitation Procedures Order]
13	May 20, 2013 at 4:00pm PST	Submission of confirmation briefs [Governed by Solicitation Procedures Order]
14		
15	May 23, 2013	Deadline to meet and confer on joint exhibit appendix, objections to proposed exhibits, and witness lists
16		
17	May 29, 2013	Deadline to submit to Court joint exhibit appendix, non-joint exhibit binders, final witness lists, and witness direct testimony via declaration, if any.
18	June 3-5, 2013	Confirmation Hearing [Governed by Solicitation Procedures Order]
19		

20 3. The Debtor shall provide potential exit financing lenders for the Noteholder Plan
21 with access to a data room with the same information that the Debtor has made or will make
22 available to potential exit financing lenders for the Debtor's Plan. In addition, the Debtor shall
23 reasonably cooperate with the due diligence efforts of potential exit financing lenders for the
24 Noteholder Plan, including customary discussions with the Debtor's management. If the Debtor
25 requires any such potential exit financing lenders to enter into a confidentiality agreement, such
26 agreement shall be on terms no less favorable than the confidentiality agreements that the Debtor

1 required of potential exit financing lenders for the Debtor's Plan. Without the consent of the
2 Debtor, which shall not be unreasonably withheld, there shall be no more than three management
3 diligence sessions with potential exit lenders and such meetings shall occur during normal
4 business hours with reasonable advance notice; provided however, that the Debtor shall
5 reasonably cooperate with the follow-up due diligence requests of management arising out of the
6 management diligence sessions, including potential site visits.

7 4. This Scheduling Order, except for any deadlines herein governed by the
8 Solicitation Procedures Order, may be modified by written consent of the parties without further
9 order of the Court.

10 IT IS SO ORDERED.

11 SUBMITTED BY:

12 By: /s/ Laurel E. Davis
13 Laurel E. Davis (NV Bar No. 3005)
14 Craig S. Dunlap (NV Bar No. 4974)
15 FENNEMORE CRAIG JONES VARGAS

16 and

17 Kurt A. Mayr, Esq.*
18 BRACEWELL & GIULIANI LLP
19 Goodwin Square
20 225 Asylum Street, Suite 2600
21 Hartford, Connecticut 06103
22 Telephone: (860) 947-9000
23 Facsimile: (860) 246-3201
24 Email: kurt.mayr@bgllp.com

25 Daniel S. Connolly, Esq.*
26 BRACEWELL & GIULIANI LLP
1251 Avenue of the Americas, 49th Fl.
New York, New York 10020
Telephone: (212) 508-6100
Facsimile: (212) 508-6101
Email: daniel.connolly@bgllp.com

**Admitted Pro Hac Vice*

Counsel for the Noteholder Group

###