

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
(Eastern Division)**

In re

CASHMAN EQUIPMENT CORP.,¹

Debtor

Chapter 11

Case No. 17-12205-MSH

DISCOVERY SCHEDULING ORDER

This matter having come before the Court for a scheduling conference with respect to the mutual cooperative exchange of discovery between Cashman Equipment Corp., Cashman Scrap & Salvage, LLC, Servicio Marina Superior, LLC, Cashman Canada, Inc. and Mystic Adventure Sails, LLC (the “Debtors”) and certain Lenders as identified on Exhibit A annexed. After due notice and hearing, and with the assent of the Debtors and the Lenders, the Court hereby enters the following Discovery Order:

1. The Lenders and the Debtors agree to mutually cooperate in an exchange of discovery and to shorten the time for responses to two weeks following electronic service of the discovery requests.

2. Solely for the purpose of discovery in connection with the August 14, 2017 hearing, the Lenders shall coordinate their discovery requests so that the Debtors will only be required to respond to one discovery request from the Lenders, collectively. These requests are without prejudice to any other pending discovery requests between the parties, which are unaffected by this agreement except the time for responding is extended to July 28, 2017.

¹ The other debtors in these Chapter 11 cases are Cashman Scrap & Salvage, LLC, Servicio Marina Superior, LLC, Cashman Canada, Inc. and Mystic Adventure Sails, LLC.

3. The Lenders and the Debtors will endeavor to coordinate the service of the discovery requests so that responsive documents are produced by close of business on July 28, 2017. Any objections and/or responses to discovery requests shall also be served prior to or with the production of documents pursuant to this paragraph.

4. The Lenders and the Debtors shall designate by noon (ET) on August 2, 2017, those witnesses they intend to call at the August 14, 2017 hearing (“Designated Witnesses”) together with a brief statement with respect to each witness’s area of testimony.

5. During the week of August 7, 2017 the parties may conduct depositions of Designated Witnesses or other fact witnesses as may be identified from the document production.

6. The parties agree to coordinate and cooperate in the scheduling of the depositions.

7. The parties further agree that any deponent who resides outside of the Commonwealth may be deposed in a video deposition during the week of August 7, 2017.

8. The Debtors will file their appraisals with the Court and will provide copies to the Lenders, the Committee and the United States Trustee on or before noon (ET) on August 9, 2017. Any Lender who intends to rely on an appraisal in connection with the August 14th hearing shall file its appraisal and provide a copy to the Debtors, Committee and the United States Trustee on or before noon (ET) on August 9, 2017. No other appraisal will be presented at the August 14, 2017, hearing except to the extent that any Lender wishes to use an appraisal for the August 14th hearing and such appraisal has not been completed by August 9, 2017, in which case the Lender may file a motion to file such appraisal after August 9, 2017, and Debtors reserve all rights to object to the Court’s consideration of such appraisal. The Debtors will seek appropriate relief to have the appraisals filed under seal with a redacted version filed on the docket. The

Lenders reserve the right to be heard on any such Motion. Nothing herein shall prejudice any Lender or the Debtors from relying upon any appraisal filed by any party prior to the August 14th hearing, or using any appraisal at any other time or for any other purpose. The Debtors shall provide reasonable access to any Lender seeking to inspect its collateral for purposes of appraisal on or before July 28, 2017.

9. The parties will enter into a mutually agreed-upon Confidentiality Agreement on or before July 28th.

10. The scope of electronic discovery will be limited to issues before the Court at the August 14th hearing. Either side may propose search terms and the parties shall disclose the search terms actually employed in responding to discovery requests. This is without prejudice to discovery in any other context in this case.

Entered at Boston this 17th day of July, 2017.



Hoffman, J.

EXHIBIT A

Bank	Counsel
5th3rd	John Monaghan Holland & Knight Jeffery Johnson May Oberfell Lorber
BofA	Victor Milione, Lee Harrington Nixon & Peabody Charles Rayburn, Taylor Stukes Douglas Ghidina Moore & Van Allen
Key Bank	Keri Wintle Duane Morris LLP
MARAD	Serajul Ali US Attorney
Pacific West	David Madoff & Khoury Jeffrey Greenberg Baker, Donelson, Bearman
Radius	Frank McGinn Hackett Feinberg
RTC	Michael Schaedle, Dan Cohn Blank Rome
Santander	Scott Magee, Stephen Humeniuk Locke Lord
US Bank	Jaime DeRensis Baker, Donelson, Bearman
Wells Fargo	David Himelfarb Joseph Lubertazzi McCarter & English, LLP
Equitable/Weymouth	Brendan Recupero Ruberto, Israel & Weiner