

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

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In re:

Case No. 07-20537-AJC

Chapter 11

DB ISLAMORADA, LLC,

Debtor.

**DEBTOR-IN-POSSESSION'S MOTION TO SHORTEN NOTICE PERIOD
REGARDING FINAL FEE APPLICATION OF PATRICIA A. REDMOND, ESQ.
AND STEARNS WEAVER MILLER WEISSLER ALHADEFF &
SITTERSON, P.A., AS COUNSEL FOR DEBTOR, DB ISLAMORADA, LLC
(D.E. 228) AND DEBTOR'S MOTION TO DISMISS CASE (D.E. 229)**

DB ISLAMORADA, LLC, debtor and debtor in possession ("**Debtor**"), by and through undersigned counsel, pursuant to Fed. R. Bankr. P. 2002 and 9006, files this Motion ("**Motion**") for entry of an Order (a) shortening the twenty-day notice period for the hearing on the *Final Fee Application of Patricia A. Redmond, Esq., and Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., as Counsel for Debtor, DB Islamorada, LLC* (D.E. 228) ("**Final Fee App.**") and *Motion to Dismiss* (D.E. 229) ("**Motion to Dismiss**") and (b) setting the Final Fee App. and Motion to Dismiss for hearing. In support of this Motion, Debtor states:

1. The Final Fee App. was filed on June 17, 2009 pursuant to 11 U.S.C. § 330 and Fed. R. Bankr. P. 2016, and meets the requirements set forth in the Guidelines incorporated in Local Rule 2016-1(B)(1).
2. The Motion to Dismiss was filed on June 18, 2009, pursuant to 11 U.S.C. § 1112.
3. Fed. R. Bankr. P. 2002(a)(4) & (6) require twenty-day notice to parties in interest of a hearing on an Application for compensation of reimbursement and on motions to dismiss.

4. Fed. R. Bankr. P. 9006(c)(1) provides, in part, “when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.” Fed. R. Bankr. P. 9006(c)(1).

5. Prompt dismissal of this case will allow the underlying receivership case to proceed.^{1/} Moreover, counsel for Debtor is required to be in a trial July 13, 2009 through July 28, 2009 and will be out of the continental United States, the first week of July, commencing July 3, 2009. Accordingly, Debtor respectfully requests that the Court enter an order shortening the Applicable notice period and schedule a hearing on the Final Fee App. and Motion to Dismiss.

6. Debtor submits that shortening the notice period will not prejudice any interested parties.

7. Debtor submits that good cause exists for shortening the notice period for the hearing on the Final Fee App. and Motion to Dismiss, as it will permit progression of the underlying Receivership Case and accommodate Debtor’s counsel’s conflict.

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^{1/}On December 11, 2007, the Florida Office of Financial Regulation filed a complaint in Miami-Dade Circuit Court styled *Florida Office of Financial Regulation v. Berman Mortgage Corp., et al.*, Case No. 07-43672-CA-09 (“**Receivership Case**”), seeking injunctive relief and the App.ointment of a receiver against Berman Mortgage Corporation and Dana Berman, individually, Debtor’s principal.

WHEREFORE, Debtor respectfully requests the Court to enter an Order in substantially the form submitted herewith (a) shortening the twenty-day notice period for the hearing on the Final Fee App. and Motion; (b) scheduling the hearing on the Final Fee App. and Motion to Dismiss; and, (c) granting such other and further relief as the Court deems just and proper.

Dated: June 18, 2009

I hereby certify that I am admitted to the Bar of the United States District Court for the Southern District of Florida, and I am in compliance with the additional qualifications to practice in this court set forth in Local Rule 2090-1(A).

Respectfully submitted,

Attorneys for Debtor
Museum Tower, Suite 2200
150 West Flagler Street
Miami, Florida 33130
Telephone: (305) 789-3200
Facsimile: (305) 789-3395

By: /s/ Patricia A. Redmond, Esq.
Patricia A. Redmond, Esq., FBN 303739
predmond@swmwas.com