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for Namco Capital Group, Inc.  
7

8 **UNITED STATES BANKRUPTCY COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **LOS ANGELES DIVISION**  
11

12 In re:  
13  
14 NAMCO CAPITAL GROUP, INC., a California  
corporation,  
15  
16 Debtor.

CASE NO.: 2:08-bk-32333-BR

Chapter 11

**NOTICE OF MOTION AND THIRD  
MOTION OF BRADLEY D. SHARP,  
CHAPTER 11 TRUSTEE FOR THE  
ESTATE OF NAMCO CAPITAL GROUP,  
INC., FOR AN ORDER EXTENDING THE  
TIME TO REMOVE PENDING CIVIL  
LITIGATION PURSUANT TO FEDERAL  
RULE OF BANKRUPTCY PROCEDURE  
9027; MEMORANDUM OF POINTS AND  
AUTHORITIES; AND DECLARATION OF  
BRADLEY D. SHARP**

Hearing:

Date:

Time:

Judge:

Courtroom 1668  
255 East Temple Street  
Los Angeles, CA 90012

JEFFER MANGELS  
BUTLER & MARMARO LLP  
JMBM

1 **TO THE HONORABLE BARRY RUSSELL, UNITED STATES BANKRUPTCY JUDGE,**  
2 **AND INTERESTED PARTIES:**

3 **PLEASE TAKE NOTICE** that on \_\_\_\_\_, 2010 at \_\_\_\_\_, or as soon thereafter as the  
4 matter can be heard, before the Honorable Barry Russell, United States Bankruptcy Judge, in  
5 Courtroom 1668, located at 255 East Temple Street, Los Angeles, CA, the Bankruptcy Court will  
6 consider the *Third Motion of Bradley D. Sharp, Chapter 11 Trustee for the Estate of Namco Capital*  
7 *Group, Inc. for an Order Extending the Time to Remove Pending Civil Litigation Pursuant to*  
8 *Federal Rule of Bankruptcy Procedure 9027* (the "Motion"). The Motion is based upon this Notice  
9 and the Motion, the accompanying Memorandum of Points and Authorities, the accompanying  
10 declaration of Bradley D. Sharp (the "Sharp Declaration"), and any additional evidence and  
11 argument that may be submitted at or before the hearing on the Motion.

12 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local Bankruptcy Rule 9013-1(f),  
13 any opposition to the Motion must be filed with the Bankruptcy Court and served on counsel for the  
14 Trustee no later than 14 days before the date designated for hearing on the Motion. Pursuant to  
15 Local Bankruptcy Rule, 9013-1(h), the failure to file and serve timely a response to the Motion may  
16 be deemed by the Court to be consent to the granting of the Motion.

17  
18 Date: January 21, 2010

JEFFER, MANGELS, BUTLER & MARMARO LLP

19  
20 By: /s/ David M. Poitras  
21 JOSEPH A. EISENBERG P.C.  
22 DAVID M. POITRAS P.C.  
23 THOMAS M. GEHER  
24 CAROLINE R. DJANG  
25 Counsel for Bradley D. Sharp,  
26 Chapter 11 Trustee for Namco Capital Group, Inc.  
27  
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **SUMMARY OF RELIEF REQUESTED**

4 The Trustee hereby moves for an order extending, for approximately 120 days, the time  
5 within which the Trustee is required to remove, under Federal Rule of Bankruptcy Procedure 9027,  
6 pending civil litigation in which the debtor, Namco Capital Group, Inc. ("Namco"), is a named party  
7 or otherwise related. As discussed in greater detail below, the relief requested is necessary due to  
8 the significant amount of litigation pending against Namco and related parties and the Trustee's  
9 need for additional time to thoroughly review the pending litigation and determine which pending  
10 litigation should be removed to the Bankruptcy Court.

11 **II.**

12 **JURISDICTION AND VENUE**

13 This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This  
14 matter relates to the administration of the debtor's bankruptcy estate and is accordingly a core  
15 proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A) and (O). Venue of this case is proper in this  
16 Court pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicates for the relief requested  
17 herein are Section 105(a) of title 11, United States Code (the "Bankruptcy Code") and Rules 9006  
18 and 9027 of the Federal Rules of Bankruptcy Procedure ("FRBP").

19 **III.**

20 **GENERAL BACKGROUND**

21 On December 22, 2008, creditors filed an involuntary petition for relief under chapter 11 of  
22 title 11 of the United States Code against Namco. Namco consented to an order for relief, and an  
23 order for relief was entered on January 29, 2009. Namco filed its Schedules and Statement of  
24 Financial Affairs in this case on March 15, 2009. Namco's schedules reflect unsecured debt in the  
25 amount of \$524,496,299.00. Namco operated as a debtor-in-possession until the Court granted the  
26 motion of the United States Trustee to appoint a chapter 11 trustee pursuant to the order entered on  
27  
28

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1 May 1, 2009. The Court entered the order approving the appointment of the Trustee on May 8,  
2 2009.

3 As of the date of this Motion, over 50 cases to which Namco is a party or has an interest are  
4 pending in various courts. Given the complexity of the pending litigation, the Trustee has not yet  
5 had the opportunity to complete his review of the pending litigation subject to potential removal  
6 under FRBP 9027.

7 Upon prior motion filed on April 8, 2009, by Namco, and pursuant to the Court's *Order*  
8 *Extending The Time To Remove Pending Civil Litigation Pursuant To Federal Rule Of Bankruptcy*  
9 *Procedure 9027*, entered on May 11, 2009, the deadline to remove pending civil litigation was  
10 extended to June 29, 2009. Pursuant to the Court's order entered on July 30, 2009, granting the  
11 Trustee's *Motion for an Order Extending the Time to Remove Pending Civil Litigation Pursuant to*  
12 *Federal Rule of Bankruptcy Procedure 9027*, the deadline to remove civil litigation was extended to  
13 October 30, 2009. Pursuant to the Court's order entered on November 12, 2009, granting the  
14 Trustee's *Second Motion for an Order Extending the Time to Remove Pending Civil Litigation*  
15 *Pursuant to Federal Rule of Bankruptcy Procedure 9027*, the deadline was extended to March 1,  
16 2010.

17  
18 **IV.**

19 **CAUSE EXISTS TO EXTEND THE TIME TO REMOVE PENDING CIVIL LITIGATION**  
20 **PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9027**

21 FRBP 9027 sets forth various time frames within which notices of removal of pending civil  
22 litigation must be filed. The Court may, however, pursuant to FRBP 9006(b)(1) and for cause  
23 shown, extend the time within which such notice or notices of removal must be filed, provided the  
24 request is made before the expiration of the period originally prescribed or as extended by a  
25 previous order. Here, the Trustee's request is timely because the deadline to remove was extended  
26 to March 1, 2010, upon the Trustee's prior motion.

27 Cause exists to extend the time within which the Trustee must file the required notice or  
28 notices of removal. Given the tremendous burdens upon the Trustee and his professionals of

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1 assuming control of an estate this size, and the numerous lawsuits currently pending against Namco  
2 in various courts, the Trustee will be unable to complete his review of pending litigation in time to  
3 make a decision whether to remove any or all of the litigation by the extended March 1, 2010  
4 deadline. Therefore, the Trustee will require additional time to complete his review of the pending  
5 litigation.

6 The Trustee submits that, in view of the number of creditors in this case, the limited  
7 resources of the Trustee, the number and complexity of pending actions, and the potential  
8 significance of the pending litigation, ample cause exists to grant the requested extension.

9  
10 V.

11 **CONCLUSION**

12 WHEREFORE the Trustee respectfully requests entry of an order: (i) extending the time  
13 within which the Trustee must file his notice or notices of removal of pending litigation pursuant to  
14 the requirements of FRBP 9027 for approximately 120 days after the extended deadline of March 1,  
15 2010; and (ii) granting the Trustee such other and further relief as is just.

16  
17 Dated: January 21, 2010

JEFFER, MANGELS, BUTLER & MARMARO LLP

18  
19 By: /s/ David M. Poitras  
20 JOSEPH A. EISENBERG P.C.  
21 DAVID M. POITRAS P.C.  
22 THOMAS M. GEHER  
23 CAROLINE R. DJANG  
24 Counsel for Bradley D. Sharp,  
25 Chapter 11 Trustee for Namco Capital Group, Inc.  
26  
27  
28

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BUTLER & MARMARO LLP  
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DECLARATION OF BRADLEY D. SHARP

I, Bradley D. Sharp, declare as follows:

1. I am the chapter 11 trustee (the "Trustee") for the bankruptcy estate of Namco Capital Group, Inc. Each of the facts contained in this declaration is based upon my personal knowledge and, if called as a witness to do so, I could competently testify thereto.

2. The Court entered the order approving my appointment as chapter 11 trustee in this case on May 8, 2009

3. On December 22, 2008, creditors filed an involuntary petition for relief under chapter 11 of title 11 of the United States Code against Namco. Namco consented to an order for relief, and an order for relief was entered on January 29, 2009. Namco filed its Schedules and Statement of Financial Affairs in this case on March 15, 2009. Namco's schedules reflect unsecured debt in the amount of \$524,496,299.00. Namco operated as a debtor-in-possession until the Court granted the motion of the United States Trustee to appoint a chapter 11 trustee pursuant to the order entered on May 1, 2009.

4. As of the date of this Motion, I am informed and believe that over 50 cases to which Namco is a party (or has an interest in) are pending in various courts.

5. Given the burdens upon me and my professionals of assuming control of an estate this size, and the complexity of the pending litigation, I will be unable to complete my review of pending litigation in time to make a decision whether to remove any or all of the litigation by the extended March 1, 2010 deadline. Therefore, I will require additional time to complete my review of the pending litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20<sup>th</sup> day of January, 2010 at Los Angeles, California.



Bradley D. Sharp

JMBM  
Jeffer Mangels,  
Butler & Marmaro, LLP

In re: Namco Capital Group, Inc.	CHAPTER 11
Debtor(s).	CASE NUMBER: 2:08-bk-32333-BR

**NOTE:** When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

### PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

1900 Avenue of the Stars, Seventh Floor, Los Angeles, CA 90067

The foregoing document described NOTICE OF MOTION AND THIRD MOTION OF BRADLEY D. SHARP, CHAPTER 11 TRUSTEE FOR THE ESTATE OF NAMCO CAPITAL GROUP, INC., FOR AN ORDER EXTENDING THE TIME TO REMOVE PENDING CIVIL LITIGATION PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9027; MEMORANDUM OF POINTS AND AUTHORITIES; AND DECLARATION OF BRADLEY D. SHARP, will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005- 2(d); and (b) in the manner indicated below:

**I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On January 21, 2010, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

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In re: Namco Capital Group, Inc.	CHAPTER 11
Debtor(s).	CASE NUMBER: 2:08-bk-32333-BR

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In re: Namco Capital Group, Inc.	CHAPTER 11 Debtor(s). CASE NUMBER: 2:08-bk-32333-BR
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Service information continued on attached page

**II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL** (indicate method for each person or entity served):

On January 21, 2010, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

**[SERVED BY U.S. MAIL]**  
Honorable Barry Russell  
United States Bankruptcy Court  
255 E. Temple St., Suite 1660  
Los Angeles, CA 90012

Service information continued on attached page

**III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on \_\_\_\_\_, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

January 21, 2010  
Date

Claudean Brandon  
Type Name

