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7 of Unsecured Creditors

8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 In re:
12 HELLER EHRMAN LLP,
13 Debtor.

CASE NO.: 08-32514

Chapter 11

**NOTICE OF FURTHER CONTINUED
HEARING ON MOTION FOR AN ORDER
APPROVING SETTLEMENTS WITH
FORMER HELLER SHAREHOLDERS
AND DETERMINING THAT SUCH
SETTLEMENTS WILL CONSTITUTE
“GOOD FAITH” SETTLEMENTS UNDER
CALIFORNIA CODE OF CIVIL
PROCEDURE SECTION 877**

Date: August 9, 2010
Time: 9:30 a.m.
Place: 235 Pine Street
San Francisco, CA
Judge: Hon. Dennis Montali

22 **PLEASE TAKE NOTICE** that the hearing on the Official Committee of Unsecured
23 Creditors (the “Committee”) *Motion for an Order Approving Settlements with Former Heller*
24 *Shareholders and Determining that Such Settlements Will Constitute “Good Faith Settlements”*
25 *Under California Code of Civil Procedure Section 877* (the “Motion”), has been continued from
26 July 19, 2010, to **August 9, 2010, at 9:30 a.m.** before the Honorable Dennis Montali, United
27 States Bankruptcy Judge.

28 NOTICE OF FURTHER CONT. HEARING ON MOTION
FOR ORDER APPROVING SETTLEMENTS

1 1. Any order entered by the Court granting the relief requested by this Motion may
2 affect rights to equitable or implied contractual indemnity or contribution of any person who (a)
3 may be a joint tortfeasor or co-obligor with a Former Heller Shareholder (as that term is defined
4 in the Motion), (b) who may be derivatively or vicariously liable for the acts of a Former Heller
5 Shareholder, or (c) who may in any way claim that a Former Heller Shareholder is liable to make
6 good a loss or damage incurred by such person, in connection with the facts and circumstances
7 giving rise to the settlements described in the Motion.

8 2. The rights of persons receiving this Notice may be affected if they do not appear
9 and contest the granting of relief sought by this Motion.

10 3. You should read these papers carefully and discuss them with your attorney, if you
11 have one. If you do not have an attorney, you may wish to consult one.

12 4. The Motion requests that the Court grant the following relief:

13 a. Approving as fair, equitable and in the best interests of the creditors, and
14 authorizing the Committee in its discretion under Bankruptcy Rule 9019(a) to enter into and
15 approve, the terms of previously agreed upon settlements with Former Heller Shareholders, using
16 the "Settlement Model" approved by the Court in its Order Authorizing The Official Committee
17 Of Unsecured Creditors To Settle Certain Claims Without Further Hearing Or Notice Pursuant To
18 Federal Rule Of Bankruptcy Procedure 9019(B), entered on May 18, 2010, Dkt. 1142, and
19 consistent with the terms of the "Proposed Settlement Agreements" as described in the Motion,
20 including the form of Releases contained in the Proposed Settlement Agreements;

21 b. Approving as fair, equitable and in the best interests of the creditors, and
22 authorizing the Committee in its discretion without further court hearing under Bankruptcy Rule
23 9019(a) to enter into and approve, the terms of settlements with any or all of the remaining
24 Former Heller Shareholders who have not previously settled, using the "Settlement Model"
25 approved by the Court in its Order Authorizing The Official Committee Of Unsecured Creditors
26 To Settle Certain Claims Without Further Hearing Or Notice Pursuant To Federal Rule Of
27 Bankruptcy Procedure 9019(B), entered on May 18, 2010, Dkt. 1142, and consistent with the
28 terms of the "Proposed Settlement Agreements" as described in the Motion , including the form

1 of the Releases contained in such Proposed Settlement Agreements;

2 c. Determining that any settlements entered into with Former Heller
3 Shareholders as described in paragraph 1 above, and any settlements entered into in the future
4 with Former Heller Shareholders as described in paragraph 2 above, were and will be entered into
5 in "good faith" under California Code of Civil Procedure section 877 et seq.; and

6 d. Such other relief as is just and appropriate in the circumstances of this case.

7 5. The Committee bases the Motion on this Notice, and on the Amended Motion, the
8 Second Amended Memorandum of Points and Authorities and the Amended and Supplemental
9 Declaration of Theresa A. Hoyt In Support of the Motion for an Order Approving Proposed
10 Settlements with Former Heller Shareholders and Determining that Such Settlements will
11 Constitute "Good Faith" Settlements Under California Code of Civil Procedure Section 877,
12 filed herewith, on the Declaration of Henry I. Bornstein filed on June 15, 2010 [Dkt. 1219], and
13 on the other documents and records on file in this case.

14 6. Additional support for this Motion may be filed by the Committee on or prior to
15 twenty-one (21) days prior to the hearing and/or in reply to any objections.

16 7. This Notice does not contain all of the information relevant to the Motion. Any
17 party receiving this Notice desiring to receive a copy of all of the documents filed with the Court
18 in connection with the Motion or that are later filed should contact Karen Widder by telephone at
19 Felderstein Fitzgerald Willoughby & Pascuzzi LLP, attorneys for The Official Committee of
20 Unsecured Creditors at (916) 329-7400, extension 224.

21 8. A copy of the Motion and all supporting papers are a part of the Court's electronic
22 record, which is the official record of the Court, and can be accessed either through the PACER
23 information system (see <http://www.canb.uscourts.gov/> -- subscription required) or is available
24 for inspection at computer terminals (printing is available), which are located at the Office of the
25 Clerk, 235 Pine Street, 19th Floor, San Francisco, CA 94104.

26 9. If you do not want the court to approve the motion, or if you want the court to
27 consider your views on the motion, then on or before 7 days prior to the scheduled hearing, you
28 or your attorney must:

NOTICE OF FURTHER CONT. HEARING ON MOTION
FOR ORDER APPROVING SETTLEMENTS

