

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

	x	
In re:	:	Chapter 11
	:	
ORLEANS HOMEBUILDERS, INC., et al.,	:	Case No. 10-10684 (PJW)
	:	
Debtors.	:	Jointly Administered
	:	
	:	
NVR, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Adv. Proc. No. 10-51083
	:	
ORLEANS HOMEBUILDERS, INC., et al.,	:	
	:	
Defendants.	:	
	:	
	x	

**CERTIFICATION OF COUNSEL REGARDING
STIPULATION AMENDING BRIEFING SCHEDULE**

I, Steven M. Yoder, counsel for NVR, Inc. (“NVR”), hereby certify and state as follows:

1. On July 14, 2010, the Defendants filed a motion to dismiss the Complaint in this adversary proceeding (the “Action”).
2. Pursuant to a stipulation signed by the Parties and so ordered by the Court on July 29, 2010, the Parties previously agreed to extend Plaintiff’s time within which to oppose Defendants’ motion to dismiss to and including August 27, 2010 and to extend Defendants’ time within which to submit reply papers in further support of their motion to dismiss, if any, to and including September 24, 2010.
3. Subject to Court approval, the Parties have entered into the stipulation attached hereto as **Exhibit A** (the “Stipulation”) agreeing that Plaintiff’s time within which to oppose

Defendants' motion to dismiss, and to file a motion for summary judgment pursuant to Fed. R. Civ. P. 56 and Fed. R. Bankr. P. 7056, extends to and including September 17, 2010; Defendants' time within which to submit reply papers in further support of their motion to dismiss, if any, and to submit papers in opposition to Plaintiff's motion for summary judgment extends to and including October 8, 2010; Plaintiff's time within which to submit reply papers in further support of its motion for summary judgment, if any, extends to and including October 29, 2010; and, to the extent that the Court concludes that Defendants' motion to dismiss shall be treated as one for summary judgment under Fed. R. Civ. P. 56, the Parties waive any notice by the Court of such conversion.

WHEREFORE, the Parties respectfully request that the Court enter an Order, substantially in the form attached hereto as **Exhibit B**, approving the Stipulation at its earliest convenience.

Dated: August 27, 2010
Wilmington, Delaware

POTTER ANDERSON & CORROON LLP

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Attorneys for Plaintiff

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

	x	
In re:	:	Chapter 11
ORLEANS HOMEBUILDERS, INC., <i>et al.</i> ,	:	Case No. 10-10684 (PJW)
Debtors.	:	Jointly Administered
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NVR, INC.,	:	
Plaintiff,	:	
v.	:	Adv. Proc. No. 10-51083
ORLEANS HOMEBUILDERS, INC., <i>et al.</i> ,	:	
Defendants.	:	
	x	

STIPULATION AMENDING BRIEFING SCHEDULE

The plaintiff in the above-captioned adversary proceeding (“NVR”) and the above-captioned debtors and debtors-in-possession and the two non-debtor affiliates named as defendants in this adversary proceeding (for ease of reference, collectively, the “Debtors”), by and through their undersigned counsel, hereby enter into this stipulation, subject only to approval by the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”). In connection herewith, the Plaintiff and the Debtors acknowledge, stipulate, and agree as follows:

RECITALS

WHEREAS, on May 28, 2010, NVR filed a complaint (the “Complaint”) to commence this adversary proceeding, which Complaint was amended on June 3, 2010;

WHEREAS, on June 11, 2010, the Bankruptcy Court entered an order extending the time by which the Debtors had to file a responsive pleading until July 14, 2010;

WHEREAS, on July 14, 2010, the Debtors timely filed a motion to dismiss the Complaint and this adversary proceeding with prejudice (the "Motion to Dismiss");

WHEREAS, pursuant to a stipulation previously entered into by the parties and so ordered by this Court on July 29, 2010, NVR's, time to oppose Defendants' motion to dismiss was extended to and including August 27, 2010;

WHEREAS, at a conference with the Court on August 6, 2010, the Court indicated that certain limited discovery might aid in the disposition of the Motion to Dismiss;

WHEREAS, counsel for NVR has advised counsel for the Debtors that NVR intends to file a motion for summary judgment (the "Motion for Summary Judgment") pursuant to Fed. R. Civ. P. 56 and Fed. R. Bankr. P. 7056 in conjunction with its opposition to the Motion to Dismiss;

WHEREAS, to the extent the discovery permitted by the Court produces any evidence relevant to issues raised by the Motion to Dismiss, the Court may determine, or the Debtors may ask the Court to determine, that the Motion to Dismiss be treated as one for summary judgment pursuant to Fed. R. Civ. P. 12(d) or otherwise;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED
BETWEEN THE PARTIES AS FOLLOWS:

1. NVR's time to oppose the Debtors' Motion to Dismiss is hereby extended to and including September 17, 2010 and NVR shall file the Motion for Summary Judgment, on or before September 17, 2010;

2. The Debtors' time to submit (i) reply papers in further support of the Motion to Dismiss and/or (ii) oppose the Motion for Summary Judgment is hereby extended through and including October 8, 2010;

3. NVR's time to submit reply papers in further support of the Motion for Summary Judgment, if any, is hereby extended to and including October 29, 2010; and

4. To the extent that the Motion to Dismiss is converted to a motion for summary judgment, pursuant to Fed. R. Civ. P. 12(d) or otherwise, NVR and the Debtors hereby agree to waive any right to receive notice that they each may be entitled to pursuant to Fed. R. Civ. P. 12(d) or otherwise, and the parties agree that no further notice of such conversion shall be required.

Dated: August 27, 2010
Wilmington, Delaware

POTTER ANDERSON & CORROON LLP

ELLIOTT GREENLEAF

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Attorneys for Plaintiff

Attorneys for Defendants

EXHIBIT B

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

	X	
In re:	:	Chapter 11
ORLEANS HOMEBUILDERS, INC., et al.,	:	Case No. 10-10684 (PJW)
Debtors.	:	Jointly Administered
NVR, INC.,	:	
Plaintiff,	:	
v.	:	Adv. Proc. No. 10-51083
ORLEANS HOMEBUILDERS, INC., et al.,	:	
Defendants.	:	
	X	

ORDER APPROVING STIPULATION AMENDING BRIEFING SCHEDULE

Upon the request of counsel to NVR, Inc. (“NVR”); and in consideration of the *Stipulation Amending Briefing Schedule* (the “Stipulation”);¹ and it appearing that NVR and the Defendants have agreed to extend the time by which NVR must oppose Defendants’ motion to dismiss the Complaint in this proceeding to and including September 17, 2010, to set the time by which NVR shall file a motion for summary judgment to and including September 17, 2010, to extend the time by which Defendants must submit reply papers in further support of their motion to dismiss, if any, and papers in opposition to NVR’s motion for summary judgment to and including October 8, 2010, to extend the time by which NVR must submit reply papers in further support of its motion for summary judgment, if any, to and including October 29, and to waive

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Stipulation.

notice by the Court in the event that the Court concludes that Defendants' motion to dismiss shall be treated as a motion for summary judgment pursuant to Fed. R. Civ. P. 56; it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Stipulation is approved in its entirety.
2. This Court shall retain exclusive jurisdiction to resolve any dispute arising from or related to this Order.

Dated: _____, 2010
Wilmington, Delaware

The Honorable Peter J. Walsh
United States Bankruptcy Judge