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10 Creditors

11 UNITED STATES BANKRUPTCY COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 In re:

15 HELLER EHRMAN LLP,  
16 Debtors.

CASE NO.: 08-32514

Chapter 11

Date: April 24, 2009  
Time: 10:00 a.m.  
Place: U.S. Bankruptcy Court  
235 Pine St., 22<sup>nd</sup> Floor  
San Francisco, CA  
Judge: The Hon. Dennis Montali

17 **OFFICIAL COMMITTEE OF UNSECURED CREDITORS' RESPONSE TO**  
18 **DEBTOR'S MOTION FOR APPROVAL OF FILE DISPOSITION PROCEDURES**

19 The Official Committee of Unsecured Creditors in the above referenced Chapter 11 estate  
20 (the "Committee") hereby submits its response<sup>1</sup> to the Debtor's Motion for "Approval of File  
21 Disposition Procedures as follows:

22  
23 1. The Committee does not oppose sending notice to the former clients of the right to  
24 obtain their files and/or the possibility of the destruction of such files should the client not obtain  
25 the files.

26  
27 <sup>1</sup> The Debtor's Counsel granted the Committee an extension of time to respond to this Motion  
28 until Wednesday April 22, 2009, the first business day after the scheduled Committee meeting,  
which was held on Tuesday April 21, 2009

1           2.       The Committee, however, respectfully submits that it is premature at this time to  
2 limit any options with respect to these files until the estate is able to calculate how many files  
3 (and what types of files) will be in place to be destroyed, the cost of destruction, whether assets  
4 exist in the estate to pay for such a method of destruction.

5           3.       The Committee has requested that before the Debtor expends any funds actually  
6 destroying client files, the Debtor be required to obtain either (a) the written consent of the  
7 Committee to the projected cost for the file destruction, or (b) a separate Court Order approving  
8 the destruction and the cost to destroy as a transaction that is outside of the Debtor's ordinary  
9 course of business.

10           4.       In conclusion, though the Committee agrees that noticing the Debtor's former  
11 clients with the procedures for dealing with client files, which is outlined in the Motion should be  
12 approved – especially given that the currently Debtor has the staff that can undertake that process,  
13 the Motion does not contain any estimates of the potential cost of the destruction or whether  
14 funds will exist in this estate in the Fall at the time the destruction is set to occur, and as such, it is  
15 inappropriate to approve the actual expenditure of funds at this time.

16 Dated: April 22, 2009

FELDERSTEIN FITZGERALD  
WILLOUGHBY & PASCUZZI LLP

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20 By           /s/ Thomas A. Willoughby            
THOMAS A. WILLOUGHBY  
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of Unsecured Creditors