



Signed and Filed: October 01, 2009

Dennis Montali

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re) Bankruptcy Case
) No. 08-32514DM
HELLER EHRMAN LLP fka Heller,)
Ehrman, White & McAuliffe, LLP,) Chapter 11
) Debtor.)

MEMORANDUM REGARDING ORDER APPROVING DEBTOR'S AGREEMENT
TO DESIGNATE THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS
AS THE REPRESENTATIVE OF ESTATE TO BRING CLAIMS AGAINST
THE HELLER EHRMAN, LLP RETIREMENT PLAN

On September 29, 2009, the Official Committee of Unsecured Creditors (the "Committee") filed an emergency application requesting this court to approve a stipulation by Heller Ehrman, LLP ("Debtor") that the Committee be appointed as the representative of the estate (nunc pro tunc to September 22, 2009) to file and prosecute actions against Debtor's retirement plan. Counsel for the Committee uploaded a proposed order granting the application on September 29. After the order was signed but before it was docketed, counsel for an Ad Hoc Shareholder Group informed the court's deputy clerk that he was filing an opposition to the emergency application.

On October 1, 2009, the Ad Hoc Shareholder Group filed its response, which the court has considered. As acknowledged in footnote two of the response, the Ad Hoc Shareholder Group may not

1 have standing to oppose the emergency application. Further, the
2 Ad Hoc Shareholder Group has not asked the court for any specific
3 relief, including that the court deny the Committee's emergency
4 application. The court has therefore directed its staff to docket
5 the order granting the emergency application.

6 **END OF MEMORANDUM**
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