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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<p>In re</p> <p>CASTLE ARCH REAL ESTATE INVESTMENT COMPANY, LLC,</p> <p>Debtor.</p>	<p>Bankruptcy Case No. 11-35082 JTM (Chapter 11)</p> <p>PRINCE YEATES RESPONSE TO JOINT REQUEST TO SUBMIT FEE APPLICATION FOR DECISION AND REQUEST FOR PRETRIAL CONFERENCE</p>
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Prince, Yeates & Geldzahler (“**Prince Yeates**”) respectfully responds to the Joint Request to Submit for Decision (the “**Request to Submit**”) the Application for Allowance of Attorneys’ fees and Costs filed by Prince Yeates filed by D. Ray Strong (the “**Trustee**”) and the Official Unsecured Creditors Committee (the “**Committee**”).

The Trustee and the Committee represent that the parties are unwilling to resolve this matter through settlement or mediation. For its part, Prince Yeates disagrees.

At the preliminary hearing on this matter, the Court encouraged a private settlement conference and, if unsuccessful, mediation through Judge Mosier or Judge Thurman. All parties agreed on the record.

Despite reservations about being able to resolve matters without the assistance of a court mediator, Prince Yeates fulfilled its agreement and met. At the settlement conference, the parties engaged in good faith settlement negotiations—concessions being made on both sides. Midway through the settlement conference, however, the Trustee (through counsel) indicated that he would refuse to honor his agreement to mediate if Prince Yeates did not settle.

Prince Yeates remains willing and committed to honor its agreement to mediate and submits that mediation is the most efficient and cost-effective way to resolve the objections. To the extent that perspective may have been lost by any of the parties, Prince Yeates believes that a mediating judge will provide focus and help close whatever settlement gaps exist.

In their request, the Trustee and the Committee indicate that they “will defer to the Court’s wishes and instruction” on this matter. The Court has already expressed its wishes and instructions, so there is no need to express them again. The Court should, accordingly, order the parties to comply with their agreement. Alternatively, if the Court desires an evidentiary hearing, Prince Yeates requests a pretrial conference to define

factual and legal issues, set discovery timetables, and establish deadlines for pretrial disclosures.

DATED this 13th day of December, 2012.

PRINCE, YEATES & GELDZAHLER
A Professional Corporation

By: /s/ Adam S. Affleck
Attorneys for Former Debtor-In-Possession
Castle Arch Real Estate Investment
Company, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of December, 2012, I electronically filed the foregoing **PRINCE YEATES RESPONSE TO JOINT REQUEST TO SUBMIT FEE APPLICATION FOR DECISION AND REQUEST FOR PRETRIAL CONFERENCE** with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to all parties whose names appear on the electronic mail notice list for this case.

/s/ Adam S. Affleck

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