

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

IN THE MATTER OF:

RICHARD P. LOTFY
SHARI D. LOTFY,
Debtors

CHAPTER 13
CASE NO. 08-40106

RICHARD P. LOTFY
SHARI D. LOTFY,
Plaintiffs

v.

FDIC, as Receiver for
INDYMAC BANK, FSB
Defendant

ADVERSARY PROCEEDING
CASE NO. 08-04071

NOTICE OF HEARING

Please take notice that a hearing will be held on December 10, 2009 at 2:00 p.m. with respect to the attached Notice of Hearing.

Respectfully submitted,
Rosaleen J. Clayton
/s/ Rosaleen J. Clayton
BBO 652132
319A Southbridge Street
Auburn, MA 01501
(508) 832-9006
(508) 832-9112 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that the above Notice of Hearing were served via first class mail and/or ECF and/or facsimile on the parties listed.

Dated: November 9, 2009

/s/ Rosaleen J. Clayton
Rosaleen J. Clayton

Denise M. Pappalardo
P.O. Box 16607
Worcester, MA 01601

Office of the United States Trustee
446 Main Street, 14th Floor
Worcester, MA 01608

ORLANS MORAN PLLC
45 School Street
Boston, MA 02108

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In Re: RICHARD P. and SHARI D. LOTFY,

Debtor,

Related Bankruptcy Case: 08-40106
Chapter 13
Judge Joel B. Rosenthal

Richard P. and Shari D. Lotfy,
Plaintiff

Adversary Proceeding: 08-04071

vs.

FDIC, as Receiver for IndyMac Bank, FSB
Defendant

NOTICE OF NONEVIDENTIARY HEARING

PLEASE TAKE NOTICE that a hearing will be held on **12/10/09 at 02:00 PM** before the Honorable Judge Joel B. Rosenthal, Courtroom 3, Harold Donohue, Federal Building and Courthouse, 595 Main Street, Worcester, MA 01608 to consider the following:

[52] Plaintiffs' Motion For Summary Judgment Against Defendant FDIC, As Receiver For Indymac Bank, FSB.

OBJECTION/RESPONSE DEADLINE: **DECEMBER 4, 2009 4:30 PM**
(If left blank, response deadline shall be governed by the Local Rules.)

THE MOVING PARTY IS RESPONSIBLE FOR:

1. Serving a copy of this notice upon all parties entitled to notice forthwith; and
2. Filing a certificate of service with respect to this notice (7) days after the date of issuance set forth below. If the hearing date is less than (7) days from the date of issuance, the certificate of service must be filed no later than the time of the hearing. **If the movant fails to timely file a certificate of service, the court may deny the motion without a hearing.**

NOTICE TO ALL PARTIES SERVED:

1. **Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.
2. Any request for a continuance **MUST** be made by **WRITTEN MOTION**. (See MLBR 5071-1)
3. The above hearing shall be nonevidentiary. If, in the course of the nonevidentiary hearing, the court determines the existence of a disputed and material issue of fact, the court will schedule a further evidentiary hearing. If this is a hearing under section 362, it will be a consolidated preliminary and final nonevidentiary hearing unless at the conclusion thereof the court sets down an evidentiary hearing.
4. Deadlines to file an objection or response shall be governed by the Local Rules, unless otherwise ordered by the Court. If no objection is timely filed, the Court, in its discretion, may cancel the hearing and rule on the motion without a hearing or further notice. [See MLBR 9013-1(f)].

Date: 11/9/09

By the Court,

Halina Magerowski
Deputy Clerk
508-770-8927