

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

	X	
In re:	:	Chapter 11
ADVANTA CORP., <i>et al.</i>	:	Case No. 09-13931 (KJC)
Debtors.	:	(Jointly Administered)
	X	
ADVANTA BANK CORP.	:	
Plaintiff,	:	
-against-	:	Adversary Proceeding
ADVANTA CORP.	:	No.: 10-50795 (KJC)
Defendant.	:	RE: D.I. 8, 9, 15, 17, 18, 19,
	:	25, 26, 28, 32, 33, 34, 36, 54
	X	

**CERTIFICATION OF COUNSEL REGARDING AMENDED EXPEDITED
DISCOVERY AND EVIDENTIARY HEARING SCHEDULING ORDER**

The undersigned certifies as follows:

1. On March 19, 2010, Advanta Bank Corp. ("**ABC**") filed the *Emergency Motion of Advanta Bank Corp. for Declaratory and Injunctive Relief in Connection with its Amended Complaint* [Adv. Proc. D.I. 9] (the "**ABC Motion**") with the United States Bankruptcy Court for the District of Delaware (the "**Bankruptcy Court**").

2. On May 14, 2010, the Federal Deposit Insurance Corporation ("**FDIC-R**," and together with Advanta Corp. and the Official Committee of Unsecured Creditors, the "**Parties**") filed the *Motion of the Federal Deposit Insurance Corporation, as Receiver for Advanta Bank Corp., Seeking a Declaration that the Automatic Stay Does Not Apply or, in the Alternative, an*

Order Granting Relief from the Automatic Stay [Adv. Proc. D.I. 25] (together with the ABC Motion, the “**Motions**”) with the Bankruptcy Court.

3. On June 9, 2010, at a telephonic hearing, the Bankruptcy Court scheduled a trial (the “**Trial**”) to hear the Motions and ordered the Parties to submit a consensual scheduling order for discovery for the Trial.

4. On July 6, 2010, the Bankruptcy Court entered the *Expedited Discovery and Evidentiary Hearing Scheduling Order* [Adv. Proc. D.I. 54] (the “**Existing Scheduling Order**”).


5. On July 30, 2010, the Court held a telephonic status conference on scheduling issues.

6. Pursuant to the discussions at the July 30 telephonic status conference, the Parties have conferred and agreed upon an amended scheduling order (the “**Proposed Amended Scheduling Order**”), attached hereto as Exhibit A. The Proposed Amended Scheduling Order has been circulated to and is acceptable to the FDIC-R and the Official Committee of Unsecured Creditors.

7. For the convenience of the Bankruptcy Court, a blackline showing changes from the Existing Scheduling Order to the Proposed Amended Scheduling Order is attached hereto as Exhibit B.

WHEREFORE, Advanta Corp. respectfully requests that the Proposed Amended Scheduling Order, substantially in the form attached hereto as Exhibit A, be entered at the earliest convenience of the Bankruptcy Court.

Dated: August 5, 2010
Wilmington, Delaware



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ATTORNEYS FOR Advanta Corp.

EXHIBIT A

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

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**AMENDED EXPEDITED DISCOVERY AND
EVIDENTIARY HEARING SCHEDULING ORDER**

WHEREAS, the following two motions (collectively, the “*Motions*”) are pending in the above-captioned adversary proceeding: (i) the Emergency Motion of Advanta Bank Corp. (“*ABC*”) For Declaratory and Injunctive Relief In Connection With Its Amended Complaint (Adv. Proc. D.I. 9) and (ii) the Motion of Federal Deposit Insurance Corporation (“*FDIC-R*” and together with Advanta Corp. and the Official Committee of Unsecured Creditors, each a “*Party*” and collectively, the “*Parties*”), as receiver for ABC, Seeking a Declaration That the Automatic Stay Does Not Apply or, In the Alternative, an Order Granting Relief From the Automatic Stay (Adv. Proc. D.I. 25); and

WHEREAS the Court entered the Expedited Discovery and Evidentiary Hearing Scheduling Order (Adv. Proc. D.I. 54) on July 6, 2010.

WHEREAS the Court had initially scheduled an evidentiary hearing on the Motions for August 17-18, 2010.

WHEREAS the Court held a telephonic status conference on July 30, 2010.

It is hereby ORDERED that the Parties shall conduct expedited discovery concerning the Motions on the following schedule:

1. The Parties shall serve documents requests on any other Party on or before June 11, 2010. There shall be no interrogatories or requests for admission.

2. The Parties shall serve written objections and responses to document requests on or before June 25, 2010.

3. The Parties shall complete their respective document productions on or before July 16, 2010.

4. On or before July 16, 2010, each Party shall serve on the other Parties a list containing each fact witness that Party intends to call during the evidentiary hearing. A Party may supplement its fact witness list in the Joint Pretrial Memorandum so long as each additional fact witness (other than a fact witness in the control of an adverse Party) has been deposed or an opportunity is given to the other Parties to depose that witness prior to the evidentiary hearing.

5. The Parties shall conduct fact depositions between July 26, 2010, and August 6, 2010, inclusive, with expert depositions presumptively to be held on August 11-13, 2010. The Parties shall confer in good faith to schedule depositions on mutually convenient dates during these periods.

6. Any Party that intends to call an expert witness at the evidentiary hearing shall serve its expert disclosure on or before August 6, 2010. The Parties must produce with their expert disclosure the documents on which the expert relies (or a Bates number reference to any document relied upon that has been produced). There shall be no other document discovery of experts, including, without limitation, discovery of draft expert disclosures.

7. The FDIC-R shall serve drafts of the various sections of the Joint Pretrial Memorandum on the other Parties pursuant to a schedule to be agreed to by the Parties. The receiving Parties shall reply to the FDIC-R with comments on the draft sections of the Joint Pretrial Memorandum pursuant to the schedule to be agreed to so that the Parties have sufficient time to confer and file a Joint Pretrial Memorandum on or before noon on August 13, 2010. Any pretrial briefs shall also be filed and served on or before noon on August 13, 2010.

8. An evidentiary hearing on the Motions shall be held on August 16-18, 2010, commencing at 10:00 a.m. each day.

9. Deadlines contained in this Order other than for the filing of the Joint Pretrial Memorandum may be modified either by agreement of the Parties without further order of the Court or by the Court for good cause shown.

Dated: _____, 2010
Wilmington, Delaware

THE HONORABLE KEVIN J. CAREY
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT B

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

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WHEREAS the Court entered the Expedited Discovery and Evidentiary Hearing Scheduling Order (Adv. Proc. D.I. 54) on July 6, 2010.

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Dated: _____, 2010
Wilmington, Delaware

THE HONORABLE KEVIN J. CAREY
UNITED STATES BANKRUPTCY JUDGE