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- and -

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Attorneys for Debtors and
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

-----X
In re : Chapter 11 Case
: :
LandAmerica Financial Group, Inc., et al., : Case No. 08-035994 (KRH)
: :
Debtors. : Jointly Administered
-----X
David Ash, Trustee of the David Ash Trust :
Dated January 10, 2008, :
: :
Plaintiff, : Adv. Proc. No. 08-03167 (KRH)
: :
v. :
: :
LandAmerica 1031 Exchange Services, Inc., :
: :
and :
: :
LandAmerica Financial Group, Inc., :
: :
Defendants. :
-----X

**DEBTOR'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR AN
EXPEDITED HEARING AND CERTIFICATION OF EXPEDITED HEARING
PURSUANT TO LOCAL BANKRUPTCY RULE 9013-1(N)**

Defendants LandAmerica 1031 Exchange Services, Inc. (“**LES**”) and LandAmerica Financial Group, Inc. (“**LFG**,” and collectively with LES, the “**Debtors**”), through their undersigned counsel, hereby object (the “**Objection**”) to Plaintiff’s Motion for an Expedited Hearing and Certification of Expedited Hearing Pursuant to Local Bankruptcy Rule 9013-1(N) (the “**Motion**”). In support of their Objection, the Debtors respectfully represent as follows:

1. On December 16, 2008, the Court held a hearing on Debtor’s Motion Pursuant to Sections 105(a) and 363(b) of Title 11 of the United States Code, and Rule 9019 of the Federal Rules of Bankruptcy Procedure Establishing Procedures to Settle Claims Involving Segregated Exchange Funds (the “**Procedures Hearing**”). At the Procedures Hearing, the Court indicated its inclination to grant the motion, subject to the agreement of the Committee, and directed LES and the Committee to develop a protocol for handling the adversary proceedings on an expedited test-case basis. The Court also expressed its intent to stay the remaining adversary proceedings pending resolution of the test cases.

2. On January 7, 2009, LES and the Official Committee of Unsecured Creditors of LandAmerica 1031 Exchange Services, Inc. (the “**LES Committee**”) jointly filed a motion for Order Establishing Protocol for Adversary Proceedings in the abovementioned bankruptcy case (the “**Joint Motion**”) [Docket No. 574].

3. On January 9, 2009, Plaintiff filed the Motion in the abovementioned adversary proceeding [Docket No. 13] and noticed the Motion for hearing on January 12, 2009.

4. Plaintiff’s Motion is merely an attempt to avoid submitting his case to the protocol set forth in the Joint Motion. Plaintiff has failed to articulate any meaningful reason

why his case should not be treated in the same way as the other adversary proceedings filed in this case. As such, Plaintiff's Motion should be denied.

5. The legal authority supporting the relief requested by the Objection has been cited herein. Therefore, the Debtors respectfully request that the Court waive the requirement in Rule 9013-1(H)(2) of Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia that a response in opposition be accompanied by a memorandum of law.

WHEREFORE, the Debtors pray as follows:

- 1) That the Plaintiff's Motion be denied; and
- 2) For such other relief as this Court deems just and proper.

Dated: Richmond, Virginia
January 9, 2009

/s/ John H. Maddock III
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and exact copy of the foregoing **DEBTOR'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR AN EXPEDITED HEARING AND CERTIFICATION OF EXPEDITED HEARING PURSUANT TO LOCAL BANKRUPTCY RULE 9013-1(N) TO THE COMPLAINT** has been served by operation of the Court's electronic filing system to all parties entitled to receive electronic notice in this case and to the following by U.S. mail on January 9, 2009:

Thomas C. Junker
Troy Savenko
Leslie A. Skiba
Gregory Kaplan, PLC
7 East Second Street

/s/ John H. Maddock III
John H. Maddock III