

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

)	
In re:)	Chapter 11
)	
RCS CAPITAL CORPORATION, <u>et al.</u> ,)	Case No. 16-10223 (MFW)
)	
Debtors. ¹)	Jointly Administered
)	

**AMENDED² NOTICE OF AGENDA OF MATTERS SCHEDULED
FOR HEARING ON FEBRUARY 24, 2016 AT 11:30 A.M. (ET)**

ADJOURNED MATTERS

1. Debtors’ Motion for Entry of Interim and Final Orders: (I) Pursuant to 11 U.S.C. §§ 105, 361, 362, 363, 364 and 507 Authorizing the Debtors to (A) Obtain Postpetition Financing, (B) Grant Liens and Superpriority Administrative Expense Status, (C) Use Cash Collateral of Prepetition Secured Parties, and (D) Grant Adequate Protection to Prepetition Secured Parties; (II) Scheduling a Final Hearing Pursuant to Bankruptcy Rules 4001(b) and 4001(c); and (III) Granting Related Relief [D.I. 18; 2/1/16]

Response Deadline: February 17, 2016 at 4:00 p.m. (ET); extended for the Official Committee of Unsecured Creditors to February 23, 2016 at 2:00 p.m. (ET); and for the United States Trustee to February 22, 2016 at 11:00 a.m. (ET).

Responses Received:

- A. Informal Response of the United States Trustee
- B. Informal Response of the Official Committee of Unsecured Creditors

Related Documents:

- C. Notice of Filing of Exhibits to Interim Order: (I) Pursuant to 11 U.S.C. §§ 105, 361, 362, 363, 364 and 507 Authorizing the Debtors to (A) Obtain

¹ The Debtors in these chapter 11 cases, along with the last four digits of their respective federal tax identification numbers, are: RCS Capital Corporation (4716); American National Stock Transfer, LLC (3206); Braves Acquisition, LLC (6437); DirectVest, LLC (9461); J.P. Turner & Company Capital Management, LLC (7535); RCS Advisory Services, LLC (4319); RCS Capital Holdings, LLC (9238); Realty Capital Securities, LLC (0821); SBSI Insurance Agency of Texas, Inc. (9203); SK Research, LLC (4613); Trupoly, LLC (5836); and We R Crowdfunding, LLC (9785). The Debtors’ corporate headquarters and mailing address is located at 405 Park Avenue, 12th Floor, New York, NY 10022.

² **Amended items appear in bold.**

Postpetition Financing, (B) Grant Liens and Superpriority Administrative Expense Status, (C) Use Cash Collateral of Prepetition Secured Parties, and (D) Grant Adequate Protection to Prepetition Secured Parties; (II) Scheduling a Final Hearing Pursuant to Bankruptcy Rules 4001(b) and 4001(c); and (III) Granting Related Relief [D.I. 46; 2/2/16]

D. Certification of Counsel Regarding Proposed Interim Order: (I) Pursuant to 11 U.S.C. §§ 105, 361, 362, 363, 364 and 507 Authorizing the Debtors to (A) Obtain Postpetition Financing, (B) Grant Liens and Superpriority Administrative Expense Status, (C) Use Cash Collateral of Prepetition Secured Parties, and (D) Grant Adequate Protection to Prepetition Secured Parties; (II) Scheduling a Final Hearing Pursuant to Bankruptcy Rules 4001(b) and 4001(c); and (III) Granting Related Relief [D.I. 85; 2/3/16]

E. Interim Order [D.I. 87, 2/3/16]

F. Notice of Final Hearing and Entry of Interim Order [D.I. 89, 2/3/16]

Status: This matter has been adjourned to February 29, 2016 at 11:30 a.m. (ET).

2. Debtors' Motion for Entry of an Order Authorizing the Debtors to Assume the Restructuring Support Agreement [D.I. 19, 2/1/16]

Response Deadline: February 16, 2016 at 4:00 p.m. (ET); extended for the Official Committee of Unsecured Creditors and the United States Trustee to March 1, 2016 at 4:00 p.m. (ET).

Responses Received:

- A. Informal Response of the United States Trustee

Related Documents:

- B. Notice of Hearing [D.I. 84, 2/3/16]

Status: This matter has been adjourned to March 8, 2016 at 2:00 p.m. (ET).

MATTERS WITH CERTIFICATIONS FILED

3. Debtors' Motion for Entry of an Order, Pursuant to Sections 105(a), 363(b), 507(a)(8), 541, 1107(a) and 1108 of the Bankruptcy Code, Authorizing (I) the Debtors to Pay Certain Prepetition Taxes and Fees and Related Obligations and (II) Banks to Honor and Process Check and Electronic Transfer Requests Related Thereto [D.I. 4; 1/31/16]

Response Deadline: February 17, 2016 at 4:00 p.m. (ET); extended for the Official Committee of Unsecured Creditors to February 19, 2016 at 5:00 p.m. (ET); and for the United States Trustee to February 22, 2016 at 11:00 a.m. (ET).

Responses Received:

- A. Informal Response of the United States Trustee

Related Documents:

- B. Interim Order [D.I. 58, 2/2/16]
- C. Notice of Final Hearing and Entry of Interim Order [D.I. 79, 2/3/16]
- D. Certification of Counsel [D.I. 172, 2/22/16]
- E. Proposed Order

Status: A certification of counsel has been filed. No hearing is required.

4. Debtors' Motion for an Order, Pursuant To Sections 105(a), 363 and 364 of the Bankruptcy Code, (I) Authorizing (A) Payment of Prepetition Obligations Incurred In the Ordinary Course of Business In Connection with Insurance Programs, Including Payment of Policy Premiums, and (B) Continuation of Insurance Premium Financing Programs; and (II) Authorizing Banks to Honor and Process Check and Electronic Transfer Requests Related Thereto [D.I. 5; 1/31/16]

Response Deadline: February 17, 2016 at 4:00 p.m. (ET); extended for the Official Committee of Unsecured Creditors to February 19, 2016 at 5:00 p.m. (ET); and for the United States Trustee to February 22, 2016 at 11:00 a.m. (ET).

Responses Received:

- A. Informal Response of the United States Trustee

Related Documents:

- B. Interim Order [D.I. 59, 2/2/16]
- C. Notice of Final Hearing and Entry of Interim Order [D.I. 80, 2/3/16]
- D. Certification of Counsel [D.I. 173, 2/22/16]
- E. Proposed Order

Status: A certification of counsel has been filed. No hearing is required.

5. Motion of Debtors for an Order Authorizing (I) the Payment of Prepetition Wages and Salaries, (II) the Payment and Honoring of Prepetition Employee Policies and Benefits, and (III) the Continuation of Workers' Compensation Policies [D.I. 16; 2/1/16]

Response Deadline: February 17, 2016 at 4:00 p.m. (ET); extended for the Official Committee of Unsecured Creditors to February 19, 2016 at 5:00 p.m. (ET); and for the United States Trustee to February 22, 2016 at 11:00 a.m. (ET).

Responses Received:

- A. Informal Response of the United States Trustee

Related Documents:

- B. Interim Order [D.I. 62, 2/2/16]
- C. Notice of Final Hearing and Entry of Interim Order [D.I. 82, 2/3/16]
- D. Certification of Counsel [D.I. 174, 2/22/16]
- E. Proposed Order

Status: A certification of counsel has been filed. No hearing is required.

6. Debtors' Application for Entry of an Order Authorizing the Employment and Retention of Dechert LLP as Counsel for the Debtors and Debtors in Possession, Effective *Nunc Pro Tunc* to the Petition Date [D.I. 90, 2/4/16]

Response Deadline: February 17, 2016 at 4:00 p.m. (ET); extended for the Official Committee of Unsecured Creditors to February 19, 2016 at 5:00 p.m. (ET); and for the United States Trustee to February 22, 2016 at 11:00 a.m. (ET).

Responses Received:

- A. Informal Response of the United States Trustee

Related Documents:

- B. Notice of Filing Amended Exhibit B to Debtors' Application for Entry of an Order Authorizing the Employment and Retention of Dechert LLP as Counsel for the Debtors and Debtors in Possession, Effective *Nunc Pro Tunc* to the Petition Date [D.I. 126, 2/12/16]
- C. Certification of Counsel [D.I. 175, 2/22/16]
- D. Proposed Order

Status: A certification of counsel has been filed. No hearing is required.

- 7. Debtors' Application for an Order (I) Authorizing the Retention and Employment of Lazard Frères & Co. LLC as Investment Banker to the Debtors, *Nunc Pro Tunc* to the Petition Date, and (II) Waiving Certain Information Requirements of Local Rule 2016-2 [D.I. 91, 2/4/16]

Response Deadline: February 17, 2016 at 4:00 p.m. (ET); extended for the Official Committee of Unsecured Creditors to February 19, 2016 at 5:00 p.m. (ET); and for the United States Trustee to February 22, 2016 at 11:00 a.m. (ET).

Responses Received:

- A. Informal Response of the United States Trustee

Related Documents:

- B. Certification of Counsel [D.I. 179, 2/22/16]
- C. Proposed Order

Status: A certification of counsel has been filed. No hearing is required.

- 8. Debtors' Application for an Order, Pursuant to Section 327(a) of the Bankruptcy Code, Bankruptcy Rule 2014, and Local Rule 2014-1, Authorizing and Approving the Retention of Prime Clerk LLC as Administrative Advisor, *Nunc Pro Tunc* to the Petition Date [D.I. 93, 2/4/16]

Response Deadline: February 17, 2016 at 4:00 p.m. (ET); extended for the Official Committee of Unsecured Creditors to February 19,

2016 at 5:00 p.m. (ET); and for the United States Trustee to February 22, 2016 at 11:00 a.m. (ET).

Responses Received: None

Related Documents:

- A. Certification of No Objection [D.I. 176, 2/22/16]
- B. Proposed Order

Status: A certificate of no objection has been filed. No hearing is required.

9. Debtors' Application for an Order Authorizing the Retention and Employment of Young Conaway Stargatt & Taylor, LLP as Counsel for the Debtors, *Nunc Pro Tunc* to the Petition Date [D.I. 94, 2/4/16]

Response Deadline: February 17, 2016 at 4:00 p.m. (ET); extended for the Official Committee of Unsecured Creditors to February 19, 2016 at 5:00 p.m. (ET); and for the United States Trustee to February 22, 2016 at 11:00 a.m. (ET).

Responses Received:

- A. Informal Response of the United States Trustee

Related Documents:

- B. Supplemental Declaration of David Orlofsky in Support of Debtors' Application for an Order Authorizing the Retention and Employment of Young Conaway Stargatt & Taylor, LLP as Counsel for the Debtors, *Nunc Pro Tunc* to the Petition Date [D.I. 180, 2/22/16]
- C. Certification of Counsel [D.I. 181, 2/22/16]
- D. Proposed Order

Status: A certification of counsel has been filed. No hearing is required.

10. Debtors' Motion for an Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals [D.I. 95, 2/4/16]

Response Deadline: February 17, 2016 at 4:00 p.m. (ET); extended for the Official Committee of Unsecured Creditors to February 19, 2016 at 5:00 p.m. (ET); and for the United States Trustee to February 22, 2016 at 11:00 a.m. (ET).

Responses Received: None

Related Documents:

- A. Certification of Counsel [D.I. 178, 2/22/16]
- B. Proposed Order

Status: A certification of counsel has been filed. No hearing is required.

11. Debtors' Motion for Entry of an Order Authorizing the Debtors to (A) Employ and Retain Zolfo Cooper Management, LLC to Provide Interim Management Services and (B) Designate David Orlofsky as Chief Restructuring Officer and Interim Chief Financial Officer for the Debtors *Nunc Pro Tunc* to the Petition Date [D.I. 100, 2/4/16]

Response Deadline: February 17, 2016 at 4:00 p.m. (ET); extended for the Official Committee of Unsecured Creditors to February 19, 2016 at 5:00 p.m. (ET); and for the United States Trustee to February 22, 2016 at 11:00 a.m. (ET).

Responses Received: None

Related Documents:

- A. Certification of No Objection [D.I. 177, 2/22/16]
- B. Proposed Order

Status: A certificate of no objection has been filed. No hearing is required.

UNCONTESTED MATTER GOING FORWARD

12. Motion for Entry of Interim and Final Orders (I) Establishing Notification and Hearing Procedures for Transfers of or Claims of Worthless Stock Deductions with Respect to Certain Equity Securities and (II) Establishing a Record Date for Notice for Trading in Claims Against the Debtors' Estates [D.I. 11; 1/31/16]

Response Deadline: February 16, 2016 at 4:00 p.m. (ET); extended for the Official Committee of Unsecured Creditors to February 19,

2016 at 5:00 p.m. (ET); and for the United States Trustee to February 22, 2016 at 11:00 a.m. (ET).

Responses Received:

- A. Informal Response of the Official Committee of Unsecured Creditors

Related Documents:

- B. Certification of Counsel Regarding Proposed Interim Order (I) Establishing Notification and Hearing Procedures for Transfers of or Claims of Worthless Stock Deductions with Respect to Certain Equity Securities and (II) Establishing a Record Date for Notice for Trading in Claims Against the Debtors' Estates [D.I. 73; 2/2/16]
- C. Interim Order [D.I. 86, 2/3/16]
- D. Notice of Interim Order Establishing Notification and Hearing Procedures for Transfers of or Claims of Worthless Stock Deductions with Respect to Certain Equity Securities [D.I. 98, 2/4/16]
- E. Notice of Final Hearing and Entry of Interim Order [D.I. 99, 2/4/16]
- F. Affidavit of Publication [D.I. 130, 2/12/16]
- G. **Certification of Counsel D.I. 187, 2/23/16**
- H. **Proposed Order**

Status: A certification of counsel has been filed. No hearing is necessary.

MATTERS GOING FORWARD

- 13. Debtors' First (1st) Motion for Entry of an Order, Pursuant to Sections 105(a), 365(a) and 554(a) of the Bankruptcy Code, Authorizing the Debtors to Reject Certain Executory Contracts and Unexpired Leases, *Nunc Pro Tunc* to the Petition Date [D.I. 10, 1/31/16]

Response Deadline: February 16, 2016 at 4:00 p.m. (ET); extended for the Official Committee of Unsecured Creditors to February 19, 2016 at 5:00 p.m. (ET); and for the United States Trustee to February 22, 2016 at 11:00 a.m. (ET).

Responses Received:

- A. Informal Response of the United States Trustee
- B. Objection of RFI Scottsdale, LLC's [D.I. 139, 2/16/16]

Related Documents:

- C. Notice of First Rejection Motion [D.I. 83, 2/3/16]
- D. Certification of Counsel [D.I. 186, 2/23/16]**
- E. Proposed Order**

Status: A certification of counsel has been filed. No hearing is necessary.

14. Motion of Debtors for Entry of an Order Approving (I) the Debtors' Continued Maintenance of Their Existing Bank Accounts and Use of Their Cash Management System, (II) the Payment of Certain Obligations Related Thereto, (III) the Continuation of Intercompany Transactions, (IV) Administrative Expense Status for Postpetition Intercompany Claims, (V) the Debtors' Continued Use of Existing Business Forms, and (VI) Granting the Debtors a Waiver of the Requirements Contained in Section 345(b) of the Bankruptcy Code on an Interim Basis [D.I. 13; 1/31/16]

Response Deadline: February 17, 2016 at 4:00 p.m. (ET); extended for the Official Committee of Unsecured Creditors to February 19, 2016 at 5:00 p.m. (ET); and for the United States Trustee to February 22, 2016 at 11:00 a.m. (ET).

Responses Received:

- A. Informal Response of the United States Trustee

Related Documents:

- B. Interim Order [D.I. 60, 2/2/16]
- C. Notice of Final Hearing and Entry of Interim Order [D.I. 81, 2/3/16]
- D. Certification of Counsel [D.I. 188, 2/23/16]**
- E. Proposed Order**

Status: A certification of counsel has been filed. No hearing is necessary.

15. Motion of Debtors for Order Pursuant To Sections 501 and 502(b) of the Bankruptcy Code and Bankruptcy Rules 2002 and 3003(c)(3) Establishing Bar Dates for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof [D.I. 102, 2/5/16]

Response Deadline: February 17, 2016 at 4:00 p.m. (ET); extended for the Official Committee of Unsecured Creditors to February 19, 2016 at 5:00 p.m. (ET); and for the United States Trustee to February 22, 2016 at 11:00 a.m. (ET).

Responses Received:

- A. Informal Response of the United States Trustee
- B. Limited Objection of The ARC Parties [D.I. 145, 2/17/16]

Related Documents:

- C. Debtors' Reply to Limited Objection of The ARC Parties [D.I. 171, 2/19/16]

Status: The Debtors have resolved the informal response of the United States Trustee. This matter is going forward on a contested basis with respect to the limited objection of The ARC Parties.

Dated: February 23, 2016
Wilmington, DE

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Robert F. Poppiti, Jr.

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