

SEP 16 2005

UNITED STATES  
BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

UNITED STATES BANKRUPTCY COURT  
IN AND FOR THE DISTRICT OF ARIZONA

In Re )  
THE LEES CHILDREN L.L.C. )  
Debtor. )

Chapter 11 Proceedings  
Case No. 02-04-12039-PHX-CGC

NICHOLAS W. LEES, III )  
Debtor. )

Chapter 7 Proceedings  
Case NO. 03-01643-PHX-CGC

MEMORANDUM DECISION RE:  
MOTIONS TO APPROVE  
SETTLEMENT AGREEMENTS

Pending before the Court are two proposed settlement agreements. The first is a proposed settlement agreement by and between the Chapter 7 Trustee Maureen Gaughan and the Debtor, The Lees Children L.L.C., which has been filed in both the Nicholas Lees bankruptcy and The Lees Children bankruptcy. Also pending is the proposed settlement agreement among The Lees Children L.L.C., Michael Chen, M.D. and Philip B. Whitaker, Esq. filed in The Lees Children bankruptcy. A hearing was held on September 6, 2005, at which time the Court took the motions under advisement. Upon further review, the Court concludes that an evidentiary hearing is necessary to determine whether the settlements are in fact fair and equitable and in the best interest of debtors and their creditors.

**THEREFORE, IT IS HEREBY ORDERED** that an evidentiary hearing shall be held on **October 20, 2005, at 10:00 a.m.** before this Court at 230 N. 1<sup>st</sup> Avenue, Phoenix, Arizona. At that hearing, the Trustee shall be present to testify as to how she concluded that these settlements meet the factors enunciated in *Woodson v. Fireman's Fund Ins. Co.*, 839 F.2d 610 (9<sup>th</sup> Cir. 1988). In addition, the Trustee shall make herself available for deposition between now and the evidentiary hearing if the parties deem such discovery necessary.

So ordered.

1 DATED: September 16, 2005

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4 CHARLES G. CASE II  
5 UNITED STATES BANKRUPTCY JUDGE

6 COPY of the foregoing sent via facsimile and/or  
7 mailed this 16 day of September, 2005, to:

8 OFFICE OF THE U.S. TRUSTEE  
9 230 North First Avenue, 2<sup>nd</sup> Floor  
Phoenix, Arizona 85003

10 Shelton L. Freeman  
11 DeCONCINI McDONALD YETWIN & LACY, P.C.  
12 2025 North Third Street, Suite 230  
Phoenix, Arizona 85004

13 Daniel P. Collins  
14 COLLINS MAY POTENZA BARAN & GILLESPIE, P.C.  
15 201 North Central Avenue, Suite 2210  
16 Phoenix, Arizona 85073  
17 Attorneys for Barbara Lees

18 Steve Brown  
19 Steven D. Nemecek  
20 STEVE BROWN & ASSOCIATES, LLC  
21 1440 East Missouri, Suite 185  
22 Phoenix, Arizona 85014  
23 Attorneys for Maureen Gaughan

24 Paul Theut  
25 THEUT THEUT & THEUT PC  
26 5150 North 16<sup>th</sup> Street, Suite A-222  
27 Phoenix, Arizona 85016-3803

28 Philip B. Whitaker  
STEGALL KATZ & WHITAKER, P.C.  
531 East Thomas Road, Suite 102  
Phoenix, Arizona 85012  
Attorneys for Dr. Chen

Nicholas W. Lees, III  
4209 N. 64<sup>th</sup> Street  
Scottsdale, Az 85251  
Pro se debtor

Nicholas W. Lees, III  
444 G. Street, Apt. 1

San Diego, Ca. 92101  
Pro se debtor

*R. Vaughn*

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