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The Honorable Shira A. Scheindlin
United States District Court Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1620
New York, NY 10007

Re: *MeehanCombs Global Credit Opportunities Master Fund, LP, et al. v. Caesars Entm't Corp., et al.*, No. 14-7091-SAS (“MeehanCombs”);

***Frederick Barton Danner, et al. v. Caesars Entm't Corp., et al.*, No. 14-cv-7973-SAS (“Danner”)**

Dear Judge Scheindlin:

On behalf of Plaintiffs in each of the above-referenced actions, we write to request a conference before the Court to address procedural issues related to the trials currently scheduled to begin on March 14 (for the BOKF and UMB cases¹) and May 9, 2016 (for the MeehanCombs and Danner cases).

Based on Your Honor’s rulings on the most recent round of summary judgment motions,² the MeehanCombs and Danner Plaintiffs believe the Court and parties would be best served by trying all four of the guarantee actions (*i.e.*, MeehanCombs, Danner, BOKF, and UMB) together starting on March 14. Plaintiffs’ decision is driven by the fact that the factual issues to be tried as part of the BOKF and UMB cases may encompass most if not all of the issues material to the MeehanCombs and Danner Plaintiffs. This results principally from the provision included in the BOKF and UMB indentures that purportedly releases the parent guarantee for those bonds upon the election of the Issuer and Notice to the Trustee in the event that the parent guarantee in the Existing Notes, which include the indentures at issue in the MeehanCombs and

¹ *BOKF N.A. v. Caesars Entm't Corp., et al.*, No. 15-1561-SAS (“BOKF”) and *UMB Bank, N.A. Caesars Entm't Corp., et al.*, No. 14-4634-SAS (“UMB”), respectively.

² Mem. Op. and Order, Jan. 5, 2016 [*BOKF* ECF No. 76; *UMB* ECF No. 81]; Op. and Order, Dec. 29, 2015 [*MeehanCombs* ECF No. 88; *Danner* ECF No. 84].



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Danner Actions, is released. *See* Mem. Op. and Order, Jan. 5, 2016 [*BOKF* ECF No. 76; *UMB* ECF No. 81], at 2-3. Because this release provision is separate from the provisions at issue in *BOKF* and *UMB*'s most recent motion for summary judgment, *CEC* can raise this provision (and thus, the issues governing whether the *MeehanCombs* and *Danner* Plaintiffs are entitled to relief based on the August 2014 transactions) even if *BOKF* and *UMB* prevail on the "and/or" issue. *Id.* at 5.

In light of the foregoing, the *MeehanCombs* and *Danner* Plaintiffs respectfully request that their claims be tried together with those of *BOKF* and *UMB* as part of the March 14 trial.³ Counsel for *BOKF* and *UMB* have advised that they do not object to a joint trial provided there is no delay of the March 14 trial date, and the *MeehanCombs* and *Danner* Plaintiffs are prepared to adhere to all of the pre-trial deadlines previously set by the Court. *CEC* has previously advocated for a joint trial of all four cases. Hr'g Tr., Nov. 10, 2015, 25:23 – 29:21.

³ At the November 10, 2015 status conference before the Court, Your Honor invited the *MeehanCombs* and *Danner* Plaintiffs to revisit the joint trial issue with the Court after further analysis of the issues. Hr'g Tr., Nov. 10, 2015, 34:17 – 35: 6 ("THE COURT: I think Mr. Clayton has a point so I'll put it down for May 9. Now let me add to the *MeehanCombs* plaintiffs. If after the conference – and there's a lot to think about after a conference, a lot of stuff happens and you can't maybe absorb it all – if after you think about all of this you say rather than waiting until May 9 maybe we can do it all together, I'll be interested in listening because Mr. Clayton thinks so. . . . Talk to the other *Danner* team, the *MeehanCombs* team, if you reach that conclusion, I'm not adverse to doing it if that makes sense. So think about that after this conference.").

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Counsel for the MeehanCombs, Danner, BOKF, and UMB Plaintiffs are available to attend the proposed conference at any time convenient for the Court.

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

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cc: All Counsel of Record (via CM/ECF)