

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**IN RE:** § **CASE NO. 17-51926-rbk**  
**CROSSROADS SYSTEMS, INC.** §  
**Debtor** § **CHAPTER 11 PROCEEDING**

**MOTION FOR EMERGENCY HEARING ON DEBTOR’S MOTION TO ESTIMATE  
CONTINGENT, UNLIQUIDATED, UNKNOWN CLAIM OF ORACLE**

COMES NOW CROSSROADS SYSTEMS, INC., Debtor herein (“Debtor”) and files this, its Motion for Emergency (“Motion”) Hearing on Debtor’s Motion to Estimate Contingent, Unliquidated, Unknown Claim of Oracle (“Motion to Estimate”)<sup>1</sup> and in support thereof, Debtor would respectfully show the Court as follows:

1. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2. On August 13, 2017, the Debtor filed its Voluntary Petition (the “Petition Date”) under Chapter 11 of Title 11 of the Bankruptcy Code. The Debtor is operating its business as a Debtor-in-Possession pursuant to §§107(a) and 1108 of the Bankruptcy Code.

3. The Debtor requires emergency consideration of the Motion to Estimate and would request that it be heard on Monday, September 18, 2017 at 10:30 a.m. before the hearing on the approval of the Disclosure Statement and confirmation of the Prepackaged Plan.

4. 210 is not required to, and indeed has confirmed that it will not, consummate the transactions under the Prepackaged Plan unless, in addition to the satisfaction of any other conditions precedent, the aggregate amount of all Claims, including any Claim submitted by

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Motion to Estimate.

Oracle Corporation, is determined to equal less than \$50,000 pursuant to one or more final orders. Accordingly, it is critical that the Debtor pursue its Motion to Estimate before the confirmation hearing. A hearing on the Motion to Estimate is immediately necessary as the estimation of the Oracle Claim, as requested in the Motion to Estimate, will expedite administration of the Debtor's estate and confirm that the condition precedent under the Prepackaged Plan will be satisfied. On the other hand, failure to estimate the Oracle Claim will delay administration of the Debtor's estate and, more likely than not, cause the Debtor to convert to a chapter 7 liquidation, destroying enterprise value which is maximized as a result of the Prepackaged Plan.

5. Based on the foregoing, Debtor believes good cause exists to hear this matter on an emergency basis, and requests that the Court hear this matter on Monday, September 18, 2017 at 10:30 a.m. before the hearing on the approval of the Disclosure Statement and confirmation of the Prepackaged Plan.

WHEREFORE, Debtor respectfully requests this Court grant this motion and set the Debtor's Motion to Estimate described herein for hearing as soon as possible, and grant it such other and further relief, at law or in equity, to which it may be justly entitled.

Respectfully submitted this September 14, 2017.

**ERIC TERRY LAW PLLC**

By: /s/ Eric Terry

Eric Terry

Texas Bar No. 00794729

3511 Broadway

San Antonio, TX 78209

Telephone: (210) 468-8274

Facsimile: (210)-319-5447

**COUNSEL FOR DEBTOR**

**CERTIFICATE OF CONFERENCE**

I hereby certify that I have conferred with counsel for 210, and he does not oppose the Motion.

I hereby certify that I have conferred counsel for Oracle through email and, based on the responses, it is my understanding that they oppose the emergency hearing.

By: /s/ Eric Terry

Eric Terry

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this documents has been served on this 14th day of September 2017 via Court's ECF System and/or via U.S. First Class Mail and email/fax if known to the parties on the attached creditor matrix in this case. This document has also been served by email on counsel for Oracle, Cisco Systems, Inc, NetApp, Inc., Dot Hill Systems Corp., and Quantum Corporation.

By: /s/ Eric Terry

Eric Terry

Label Matrix for local noticing  
0542-5  
Case 17-51926-rbk  
Western District of Texas  
San Antonio  
Mon Sep 11 14:47:58 CDT 2017

Crossroads Systems, Inc.  
WeWork  
c/o Crossroads Systems, Inc.  
11801 Domain Blvd., Third Fl.  
Austin, TX 78758-3429

U.S. BANKRUPTCY COURT  
615 E. HOUSTON STREET, ROOM 597  
SAN ANTONIO, TX 78205-2055

210/CRDS Investment, LLC  
8214 Westchester Dr., Ste. 950  
Dallas, TX 75225-6100

3 Par, Inc./Hewlett Packard Company/  
Hewlett Packard Development Company, L.P  
3000 Hanover St.  
Palo Alto, CA 94304-1112

ACT Capital Management, LLLP  
Attn: Amir L. Ecker  
100 W. Lancaster Avenue  
Suite 110  
Wayne, PA 19087-4038

ACT Capital Partners, LP  
100 W. Lancaster Ave., #110  
Wayne, PA 19087-4038

Accuys (USA), Inc.  
46710 Fremont Blvd.  
Fremont, CA 94538-6538

Adaptec, Inc.  
General Counsel  
Legal Dept M/S 120  
691 S. Milpitas Blvd.  
Milpitas, CA 95035-5476

Addonics Technologies, Inc.  
1918 Junction Ave.  
San Jose, CA 95131-2102

Advanced Computer & Network Corporation  
5001 Baum Blvd., Ste. 680  
Pittsburgh, PA 15213-1855

Advanced Digital Information Corporation  
11431 Willow Rd. NE  
Redmond, WA 98052-3069

American Megatrends, Inc.  
Attn: S. Shankar, CEO  
5555 Oakbrook Pkwy., Bldg. 200  
Norcross, GA 30093-2286

American Stock Transfer  
PO Box 12893  
Philadelphia, PA 19176-0893

Amir L. Ecker  
800 Newtown Road  
Villanova, PA 19085-1146

Amir L. Ecker  
c/o ACT Capital  
100 W. Lancaster Ave., #110  
Wayne, PA 19087-4038

Andree Christian  
200 Summit Lake Dr.  
Valhalla, NY 10595-1338

Anson Investment Master Fund LP  
111 Peter St., Ste. 904  
Toronto, Ontario M5V 2H1  
CANADA

Anyck Turgeon  
10005 Macy Dr.  
Austin, TX 78726

Arena-Maxtronic, Inc. (USA)  
Attn: Office of the CEO  
1321 W. Foothill Blvd.  
Azusa, CA 91702-2853

Avnet, Inc.  
Attn: General Counsel  
2211 S. 47th St.  
Phoenix, AZ 85034-6403

Baydel North America, Inc.  
2370 Bering Dr.  
San Jose, CA 95131-1121

Brad Johns  
6090 Northbelt Pkwy., Ste. A  
Norcross, GA 30071-4613

Brocade Communications Systems, Inc.  
Attn: General Counsel  
1745 Technology Dr.  
San Jose, CA 95110-3728

Bruce Evans & Katherine Evans TBE  
4351 Gulf Shore Blvd. North  
Naples, FL 34103-2697

CF DB EZ LLC  
1345 Avenue of the Americas, 46th Floor  
New York, NY 10105-4302

Carolyn Wittenbraker  
3315 Southwestern  
Dallas, TX 75225-7654

Celeros Corp.  
Attn: Office of the CEO  
1170 Hamilton Ct.  
Menlo Park, CA 94025-1425

Charles H. Miller  
PO Box 120  
Glenelg, MD 21737-0120

Chelsio Communications, Inc.  
Attn: Office of the CEO  
370 San Aleso Ave., Ste. 100  
Sunnyvale, CA 94085-1410

Attn: KJ Lee  
20 Odyssey  
Irvine, CA 92618-3144

Compellent Technologies, Inc.  
Attn: Office of the CEO  
7625 Smetana Lane  
Eden Prairie, MN 55344-3712

Dane Capital Fund LP  
747 3rd Ave, 4th Floor  
New York, NY 10017-2874

Daniel Dranginis  
9526 Hemswell Pl.  
Potomac, MD 20854-4274

Daniel Greenberg  
71 Grove St., #2  
Stamford, CT 06901-2100

DataDirect Networks, Inc.  
9351 Deering Ave.  
Chatsworth, CA 91311-5858

Datacore Software Corporation  
Attn: General Counsel  
6300 NW 5th Way  
Fort Lauderdale, FL 33309-6285

Dave Houghton  
37940 Greenwood Farm Lane  
Purcellville, VA 20132-2959

David Cerf  
5100 El Dorado Pkwy., #594  
McKinney, TX 75070-6510

David Trumbo  
3780 E. 15th St., Ste. 202  
Loveland, CO 80538-8767

Delaware Charter G & T  
Cust FBO Amir L. Ecker IRA  
800 Newtown Rd.  
Villanova, PA 19085-1146

Delaware Charter G & T  
Cust FBO Maria T. Ecker IRA  
800 Newtown Rd.  
Villanova, PA 19085-1146

Dennis L. Adams  
120 Kynlyn Rd.  
Radnor, PA 19087-2836

Digi-Data Corporation  
Attn: General Counsel  
8920-D Route 108  
Columbia, MD 21045-2397

Diker Micro Cap Fund LP  
c/o Diker Management LLC  
750 Fifth Ave., 15th Floor  
New York, NY 10019-2503

Diker Value-Tech Fund LP  
c/o Diker Management LLC  
750 Fifth Ave., 15th Floor  
New York, NY 10019-2503

Diker Value-Tech QP Fund LP  
c/o Diker Management LLC  
750 Fifth Ave., 15th Floor  
New York, NY 10019-2503

Dot Hill Systems Corporation  
2200 Faraday Ave., Ste. 100  
Carlsbad, CA 92008-7233

Dynamic Network Factory, Inc.  
21353 Cabot Blvd.  
Hayward, CA 94545-1650

EDJ Limited  
c/o Porter Partners  
Attn: Jeff Porter  
300 Drakes Landing Rd., Ste. 175  
Greenbrae, CA 94904-3100

EMC Corporation  
171 South St.  
Hopkinton, MA 01748-2222

EMD Holdings LLC  
4418 Sunbelt Dr.  
Addison, TX 75001-5129

Edward Walsh  
4 Longview Heights Rd.  
Newtown, CT 06470-1908

Elliott Brackett  
4808 Alta Vista Lane  
Dallas, TX 75229-2924

Emerging Growth Funds-VFT Special  
Ventures  
1150 First Ave.  
King of Prussia, PA 19406-1334

EqualLogic, Inc.  
9 Townsend West  
Nashua, NH 03063-1233

Equity Trust Co. TTEE of the Amir L.  
Ecker IRA  
800 Newtown Rd.  
Villanova, PA 19085-1146

Equity Trust Co. TTEE of the Amir L.  
Ecker IRA  
c/o Amir L. Ecker, ACT Capital  
100 W. Lancaster Ave., #110  
Wayne, PA 19087-4038

Equity Trust Co. TTEE of the Maria T.  
Ecker IRA  
800 Newtown Rd.  
Villanova, PA 19085-1146

Equity Trust Co. TTEE of the Maria T.  
Ecker IRA  
c/o Maria T. Ecker, ACT Capital  
100 W. Lancaster Ave., #110  
Wayne, PA 19087-4038

FBO Elliott Brackett SEP IRA  
c/o Southwest Securities Inc  
Attn: Michael Stubell  
8333 Douglas Ave., #400  
Dallas, TX 75225-5812

FUJIFILM Recording Media U.S.A., Inc.  
Attn: Peter Faulhaber  
200 Summit Lake Dr.  
Valhalla, NY 10595-1338

FUJIFILM Recording Media U.S.A., Inc.  
c/o Jennifer E. Wuebker  
Whiteford, Taylor & Preston LLP  
3190 Fairview Park Drive, #800  
Falls Church, VA 22042-4558

FUJIFILM Recording Media USA, Inc.  
200 Summit Lake Dr.  
Valhalla, NY 10595-1338

Falconstar Software, Inc.  
2 Huntington Quadrangle  
Melville, NY 11747-4503

Fortress Credit Co LLC  
Attn: Constantine M. Dakolias  
1345 Avenue of the Americas  
New York, NY 10105-2200

Fortress Investment Group  
Attn: James K. Noble, III  
1345 Avenue of the Americas, 46th Floor  
New York, NY 10105-4302

Frank Huiskes  
200 Summit Lakew Dr.  
Valhalla, NY 10595-1338

Fujitsu Limited  
1-1 Kamikodanaka, 4-chome  
Nakahara-ku, Kawasaki 211-8588  
JAPAN

Fujitsu Limited  
c/o Morrison & Foerster LLP  
250 West 55th Street  
New York, NY 10019  
Attention: Norman S. Rosenbaum 10019-9710

Gary Knutsen  
260 18th Ave. South  
Naples, FL 34102-7531

Gary Wright  
Asst. United States Attorney  
601 NW Loop 410  
Ste. 600  
San Antonio, TX 78216-5512

George Anderson  
2101 Railroad St.  
Georgetown, TX 78626-5471

Greg Berlacher  
1150 First Ave.  
King of Prussia, PA 19406-1334

Hewlett-Packard Company  
3000 Hanover St.  
Palo Alto, CA 94304-1185

Hilltop Securities Inc. FBO Elliott  
Brackett SEP IRA  
Attn: Marti Flores  
8201 Preston Rd., Ste. 600  
Dallas, TX 75225-6211

Hilton Capital Management, LLC  
1010 Franklin Ave.  
Garden City, NY 11530-2939

Hitachi Ltd.  
New Marunouchi Building 5-1  
Marunouchi 1-chome, Chiyoda-ku  
Tokyo 100-8220  
JAPAN

Hoak Public Equities, L.P.  
Reagan Place at Old Parkland  
3963 Maple Ave., Ste. 450  
Dallas, TX 75219-3236

Huawei Enterprise USA Inc.  
20400 Stevens Creek Blvd., Ste. 200  
Cupertino, CA 95014-2298

Huawei Technologies, USA, Inc.  
5700 Tennyson Pkwy., Ste. 500  
Plano, TX 75024-7157

Infotrend Corporation  
22000 Zanker Rd., Ste. 130  
San Jose, CA 95131

Inline Corporation  
45925 Maries Road  
Dulles, VA 20166-8524

Internal Revenue Service  
Centralized Insolvency Operations  
P.O. Box 7346  
Philadelphia, PA 19101-7346

International Business Machines Corp.  
North Castle Drive, MC-NC119  
Armonk, NY 10504-1785

International Business Machines Corporation  
c/o Mark A. Platt  
Fox Rothschild LLP  
5420 LBJ Fwy., Suite 1200  
Dallas, TX 75240-6215

Intransa, Inc.  
10710 N. Tantau Ave.  
Cupertino, CA 95014-0717

Iron Mountain Intellectual Property  
Management, Inc.  
Attn: Client Services  
2100 Norcross Pkwy., Ste. 150  
Norcross, GA 30071-4903

Iroquois Master Fund, Ltd.  
205 E. 42nd St., 1st Floor  
New York, NY 10017-5702

James Allsopp  
290 King of Prussia Rd.  
Bldg 2, Ste. 200  
Radnor, PA 19087-5107

Jay Seid  
1150 First Ave,  
King of Prussia, PA 19406-1334

Jennifer Crane  
3944 Sapphire Loop  
Round Rock, TX 78681-2429

Jennifer Crane  
WeWork  
c/o Crossroads Systems, Inc.  
11801 Domain Blvd., Third Floor  
Austin, TX 78758-3429

John Dahms  
15106 W. Hwy. 71  
Austin, TX 78738-2800

John Jack Lauroesch  
8314 Comanche Ct.  
Bethesda, MD 20817-4561

John M. Tilney  
P.O. Box 4593  
Henley-on-Thames  
Berkshire RG9 4UT  
United Kingdom

Joseph D. Bound  
209 St. James Dr.  
Langhorne, PA 19047-1635

KIP CR P1 LP  
Attn: Constantine M. Dakolias  
1345 Avenue of the Americas  
New York, NY 10105-0302

Kelley Drye & Warren LLP  
Attn: Michael Adelstein  
101 Park Ave., 27th Fl.  
New York, NY 10178-3099

Kingsbrook Opportunities Master Fund  
689 Fifth Ave., 12th Floor  
New York, NY 10022-3149

LSI Corporation  
1621 Barber Lane  
Milpitas, CA 95035-7455

Laurence D. Keller  
54 W. Ferry St.  
New Hope, PA 18938-1338

Liolis Group  
20371 Irvine Ave.  
Newport Beach, CA 92660-0251

Lone Star Value Investors, LP  
53 Forest Ave., First Floor  
Old Greenwich, CT 06870-1526

Lone Star Value Management, LLC  
53 Forest Ave., First Floor  
Old Greenwich, CT 06870-1526

MSD Capital, L.P.  
645 Fifth Ave., 21st Floor  
New York, NY 10022-5922

Maria T. Ecker  
800 Newtown Road  
Villanova, PA 19085-1146

Maria T. Ecker  
c/o ACT Capital  
100 W. Lancaster Ave., #110  
Wayne, PA 19087-4038

Mark Hood  
WeWork  
c/o Crossroads Systems, Inc.  
11801 Domain Blvd., Third Floor  
Austin, TX 78758-3429

Mark Stubits  
1090 S. New St.  
West Chester, PA 19382-7165

Melanie Gadberry Crum  
2303 Parksville Way  
Cedar Park, TX 78613-6305

Microsoft - Azure Backup  
PO Box 842467  
1950 N Stemmons, Ste 5010  
Dallas, TX 75207-3199

Microsoft Corporation  
One Microsoft Way  
Redmond, WA 98052-8300

Mike Jones  
908 Whann Ave.  
McLean, VA 22101-1538

Mike Missal  
5212 Lawn Way  
Chevy Chase, MD 20815-6670

NEC Corporation  
7-1, Shiba 5-chome  
Minato-ku, Tokyo 108-8001  
JAPAN

Nancy Everett & Michael Nannes  
8311 Comanche Ct.  
Bethesda, MD 20817-4561

Nexsan Corporation  
21700 Oxnard St., Ste 1850  
Woodland Hills, CA 91367-7529

Nicoya Fund LLC  
2148 Harkins Ave.  
Menlo Park, CA 94025-6225

Northland Capital Markets  
45 S. 7th St., Ste. 2000  
Minneapolis, MN 55402-1625

Attn: Vinny DiGesio  
One Manhattanville Rd.  
Purchase, NY 10577-2100

Office of Unemployment Tax Services  
Dept. of Labor and Industry  
c/o Linda Mitten  
651 Boas Street, #702  
Harrisburg, PA 17121-0700

Olshan Frome Woloski LLP  
Attn: Adam W. Finerman, Esq.  
1325 Avenue of the Americas  
New York, NY 10019-6026

Overland Storage, Inc.  
4820 Overland Ave.  
San Diego, CA 92123-1235

PLIC  
PO Box 10372  
Des Moines, IA 50306-0372

Park West International Limited  
900 Larkspur Landing Circle, Ste. 165  
Larkspur, CA 94939-1760

Park West Investors Master Fund, Limited  
900 Larkspur Landing Circle, Ste. 165  
Larkspur, CA 94939-1760

Pergament Advisors, LLP  
Attn: Steve Brown  
237 Park Ave., 9th Floor  
New York, NY 10017-3170

Peter Faulhaber  
133 River St.  
Sleeping Hollow, NY 10591-2472

Peter Faulhaber  
200 Summit Lake Dr.  
Valhalla, NY 10595-1338

Peter Stanley  
610 W. Gatehouse Ln.  
Philadelphia, PA 19118-4303

Philadelphia Brokerage  
James Allsopp  
290 King of Prussia Rd.  
Bldg 2, Ste. 200  
Radnor, PA 19087-5107

Phyllis D. Kalista  
12 Kinterra Road  
Wayne, PA 19087-4717

Porter Partners, LP  
300 Drakes Landing Road, Ate. 175  
Greenbrae, CA 94904-3100

Promise Technology, Inc.  
580 Cottonwood Dr.  
Milpitas, CA 95035-7403

Proware Technology Corp  
6Fl, No. 4, Alley 1, Lane 235  
Pao Chao Road  
Hsin Tien City, Taipei Hsein, TAIWAN  
R.O.C. 9

QLogic Corporation  
26650 Aliso Viejo Pkwy.  
Aliso Viejo, CA 92656-2674

RAID Inc.  
5 Branch St.  
Methuen, MA 01844-1947

Rafferty Holdings  
1010 Franklin Ave.  
Garden City, NY 11530-2939

Rasilient Systems, Inc.  
270 Santa Ana At.  
Sunnyvale, CA 94085-4512

Rave Computer Associatio, Inc.  
36960 Metro Court  
Sterling Heights, MI 48312-1014

Robert Brown  
10402 Pinehurst Dr.  
Austin, TX 78747-1228

Robert Sims  
8609 Sea Ash Circle  
Round Rock, TX 78681-3433

(c)SECURITIES AND EXCHANGE COMMISSION  
FORT WORTH REGIONAL OFFICE  
801 CHERRY ST UNIT 18  
FORT WORTH TX 76102-6882

Southwell Capital, LP  
1901 N. Akard St.  
Dallas, TX 75201-2305

Stanley C. Finney, Jr. Revocable Living  
Trust, Mary Clare Finney, TTEE  
8201 Preston Rd., Ste. 440  
Dallas, TX 75225-6209

Stephen Saxon  
5808 Wiltshire Dr.  
Bethesda, MD 20816-1226

Stonefly Networks, Inc.  
6260 Sequence Dr., Ste. A  
San Diego, CA 92121-4358

StorMagic Inc.  
10125 Crosstown Circle, Ste. 220  
Eden Prairie, MN 55344-3317

StorMagic Ltd.  
16 Portland Square  
Bristol BS2 8SH  
UNITED KINGDOM



Storage Engine, Inc.  
One Shelia Dr.  
Tinton Falls, NJ 07724-2658

StrongBox Data Solutions, Inc.  
505 Maisonneuve West  
Montreal, Quebec H3A 3C2  
CANADA

Symantec Corporation  
20330 Stevens Creek Blvd.  
Cupertino, CA 95014-2268

Tandberg Data Corporation  
10225 Westmoor Dr., Ste. 125  
Westminster, CO 80021-2773

(p)TEXAS COMPTROLLER OF PUBLIC ACCOUNTS  
REVENUE ACCOUNTING DIV - BANKRUPTCY SECTION  
PO BOX 13528  
AUSTIN TX 78711-3528

Texas Memory Systems, Inc.  
10777 Westheimer Rd., Ste. 600  
Houston, TX 77042-3478

Texas Workforce Commission  
TWC Building - Regulatory Integrity Divi  
101 E 15th Street  
Austin, TX 78778-0001

The Delaware Dept of State  
Division of Corporations  
PO Box 898  
Dover, DE 19903-0898

The Ecker Family Partnership  
800 Newtown Road  
Villanova, PA 19085-1146

The Ecker Family Partnership  
c/o ACT Capital  
100 W. Lancaster Ave., #110  
Wayne, PA 19087-4038

The NASDAQ Stock Market  
One Liberty Plaza  
165 Broadway  
New York, NY 10006-1404

Travis County Tax Assessor-Collector  
PO Box 1748  
Austin, TX 78767-1748

United States Trustee - SA12  
US Trustee's Office  
615 E Houston, Suite 533  
PO Box 1539  
San Antonio, TX 78295-1539

Virgil Balint  
8110 Touch Stone Terrace  
Mc Lean, VA 22102-2747

WeWork  
11801 Domain Blvd Tenant LLC  
11801 Domain Blvd., 3rd Floor  
Austin, TX 78758-3430

Winchester Systems, Inc.  
101 Billerica Ave., Bldg 5  
North Billerica, MA 01862-1256

Wolverine Flagship Fund Trading Limited  
Attn: Andrew Sujdak  
175 W. Jackson St.  
Chicago, IL 60604-3034

Wolverine Flagship Fund Trading Limited  
c/o Wolverine Asset Management, LLC  
Attn: John Ziegelman  
175 W. Jackson Blvd., Ste. 340  
Chicago, IL 60604-3042

XIOtech Corp.  
6455 Flying Cloud Dr.  
Eden Prairie, MN 55344-4532

Xyratex Technology Limited  
Langstone Road  
Havant, Hampshire PO9 1SA  
UNITED KINGDOM

iStor Networks, Inc.  
7585 Irvine Center Dr., Ste. 250  
Irvine, CA 92618-2976

Adam W. Finerman  
Olshan Frome Wolosky, LLP  
1325 Avenue of the Americas  
New York, NY 10019-6026

Eric Terry  
Eric Terry Law, PLLC  
3511 Broadway  
San Antonio, TX 78209-6513

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Texas Comptroller of Public Accounts  
PO Box 13528  
Austin, TX 78711-3528