

No. 08-\_\_\_\_\_

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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The Bank of New York Mellon Trust Company, N.A., as Indenture Trustee,  
Appellant-Petitioner,

v.

Marathon Structured Finance Fund L.P., Mendocino Redwood Company  
LLC, and The Official Committee of Unsecured Creditors,  
Appellees-Respondents.

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Direct Appeal from the United States Bankruptcy Court  
for the Southern District of Texas, Corpus Christi Division  
USBC No. 07-20027

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**JOINDER IN PETITION FOR PERMISSION TO APPEAL  
FILED BY INDENTURE TRUSTEE**

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STUTMAN, TREISTER & GLATT P.C.

Isaac M. Pachulski (Cal SB 62337) *admission pending*  
Jeffrey H. Davidson (Cal SB 73980) *admission pending*  
Eric D. Winston (Cal SB 202407) *admission pending*  
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ATTORNEYS FOR APPELLANTS ANGELO, GORDON & CO. L.P.,  
AURELIUS CAPITAL MANAGEMENT, LP, AND DAVIDSON  
KEMPNER CAPITAL MANAGEMENT LLC

**CERTIFICATE OF INTERESTED PERSONS PER  
FIFTH CIRCUIT LOCAL RULES 26.1.1, 27.4 AND 28.2.1**

(1) 08-\_\_\_\_\_; *The Bank of New York Mellon Trust Company, N.A., as Indenture Trustee vs. Marathon Structured Finance Fund L.P., Mendocino Redwood Company LLC, and The Official Committee of Unsecured Creditors*

(2) The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

**Appellees – Respondents**

**Counsel:**

Marathon Structured Finance Fund L.P.

David Neier  
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Mendocino Redwood Company LLC

Craig P. Druehl  
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San Francisco, California

The Official Committee of Unsecured  
Creditors

Maxim B. Litvak  
John D. Fiero  
Kenneth H. Brown  
Pachulski Stang Ziehl Young  
Jones & Weintraub  
San Francisco, California

**Appellant – Petitioner**

**Counsel:**

The Bank of New York Mellon Trust  
Company, N.A., as Indenture Trustee

(f/k/a **the Bank of New York Trust  
Company, N.A.**) (publicly held parent  
company **The Bank of New York  
Mellon Corp.**)

William Greendyke  
Zack A. Clement  
R. Andrew Black  
Johnathan C. Bolton  
Fulbright & Jaworski LLP  
Houston, Texas

Louis R. Strubeck, Jr.  
O. Rey Rodriguez  
Toby L. Gerber  
Fulbright & Jaworski LLP  
Dallas, Texas

**Noteholder Appellants<sup>1</sup>**

Angelo, Gordon & Co., L.P.

Aurelius Capital Management, LP

Davidson Kempner Capital Management,  
LLC

No publicly held company directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of appellant's outstanding voting securities of any of the Noteholder Appellants

**Counsel**

Isaac M. Pachulski  
Jeffrey H. Davidson  
Eric D. Winston  
Stutman, Treister & Glatt P.C.  
Los Angeles, California

**Appellant**

Scotia Pacific Company, LLC

**Counsel**

Kathryn A. Coleman  
New York, New York

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Eric J. Fromme  
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Aaron G. York  
Dallas, Texas

**Other Interested Parties**

**Counsel:**

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<sup>1</sup> Angelo, Gordon & Co. L.P., Aurelius Capital Management, LP, and Davidson Kempner Capital Management LLC filed in the Bankruptcy Court a separate notice of appeal from the Confirmation Order [Bankr. Ct. Docket No. 3305].

Bank of America, N.A., as agent for  
secured lenders to Scotia Pacific  
Company LLC

Evan M. Jones  
Emily R. Culler  
Brian M. Metcalf  
Ana Acevedo  
O'Melveny & Myers LLP  
Los Angeles, California

/s/ Eric D. Winston  
Eric D. Winston  
Attorney for Appellants

**To the Honorable United States Court of Appeals for the Fifth Circuit:**

Appellants Angelo, Gordon & Co. L.P., Aurelius Capital Management, LP, and Davidson Kempner Capital Management LLC respectfully join in the "Petition For Permission To Appeal" submitted by The Bank of New York Mellon Trust Company, N.A., as Indenture Trustee, the appellant-petitioner in the above-captioned Appeal.

Dated: July 22, 2008  
Los Angeles, CA

Respectfully submitted,

**STUTMAN, TREISTER & GLATT P.C.**

By: /s/ Eric D. Winston

**Isaac M. Pachulski (Cal SB 62337)**

*admission pending*

**Jeffrey H. Davidson (Cal SB 73980)**

*admission pending*

**Eric D. Winston (Cal SB 202407)**

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**Management LLC**