

GARFUNKEL WILD, P.C.
111 Great Neck Road
Great Neck, New York 11021
Phone: (516) 393-2200
Fax: (516) 466-5964
Burton S. Weston
Adam T. Berkowitz
Phillip Khezri

Attorney for Estates and Plan Administrator

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

SOUND SHORE MEDICAL CENTER OF
WESTCHESTER, et al.¹,

Chapter 11

Case No.: 13-22840 (RDD)

Debtors.

-----X

**PLAN ADMINISTRATOR'S OBJECTION TO
PROOF OF CLAIM NO. 121 FILED BY RALPH OYAGUE**

Monica Terrano, as Plan Administrator (the "Plan Administrator") for the estates of Sound Shore Medical Center of Westchester, and its affiliated debtors (collectively, the "Estates"), by and through her counsel, hereby submits this objection (the "Objection") seeking entry of an Order pursuant to 11 USC § 502 and Fed. R. Bankr. P. 3007 reclassifying the proof of claim filed by Ralph Oyague ("Mr. Oyague") which is designated as claim number 121 on the Debtors' official claims register (the "Claim") and which proof of claim cover sheet is attached hereto as Exhibit A². In support of the Objection, the Plan Administrator represents as follows:

¹ The debtors in these chapter 11 cases, along with the last four digits of each debtor's federal tax identification number include: Sound Shore Health System, Inc. (1398), Sound Shore Medical Center of Westchester (0117), The Mount Vernon Hospital (0115), Howe Avenue Nursing Home, Inc., d/b/a Helen and Michael Schaffer Extended Care Center (0781), NRHMC Services Corporation (9137), The M.V.H. Corporation (1514) and New Rochelle Sound Shore Housing, LLC (0117). There are certain additional affiliates of the Debtors who are not debtors and have not sought relief under Chapter 11.

² The Plan Administrator has attached only the Claim's proof of claim cover sheet as part of this Objection, as the Claim includes Mr. Oyague's medical records. The Plan Administrator will provide the Court and Mr. Oyague with a copy of the Claim in connection with this Objection.

SUMMARY OF RELIEF REQUESTED

1. The Plan Administrator files this Objection seeking to reclassify the asserted priority portion of Mr. Oyague's Claim pursuant to section 507(a)(1)(A) and (a)(1)(B) of chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") as a general unsecured claim.

2. Mr. Oyague's claim is based on "medical negligence/malpractice"³ and, as more fully set forth below, does not include a proper basis for priority treatment under the Bankruptcy Code. Accordingly, the Plan Administrator seeks to reclassify the priority portion of the Claim as a general unsecured claim while reserving any and all rights to object and/or defend against the surviving claim.

BACKGROUND

3. On May 29, 2013 (the "Petition Date"), Sound Shore Medical Center of Westchester, and its affiliates (each a "Debtor" and together the "Debtors,"), each filed a voluntary petition for relief under the Bankruptcy Code with the United States Bankruptcy Court for the Southern District of New York (the "Court"). Pursuant to Sections 1107 and 1108 of the Bankruptcy Code, the Debtors continued to administer their affairs as debtors-in-possession.

4. On June 10, 2013, the United States Trustee appointed an Official Committee of Unsecured Creditors (the "Committee"). [Docket No. 67]. The Committee retained Alston Bird, LLP as its counsel. No Trustee or examiner was appointed in the cases.

5. On June 3, 2013, this Court granted an order to employ GCG, Inc. ("GCG"), as the Debtors' Claims and Noticing agent [Docket No. 41].

³ While the claim is based on asserted "medical negligence/malpractice", the Plan Administrator is not seeking the Court determination of the merits of the Claim, but rather seeks a determination as to the priority of such Claim.

6. On June 28, 2013, the Debtors filed their respective schedule of assets and liabilities and statement of financial affairs (the “Schedules”) [Docket Nos. 125, 127, 129, 131, 133, 135, 137].

7. By order of this Court dated July 25, 2013 (the “Bar Date Order”) [Docket No. 194], with certain exceptions, the general deadline for the filing of proofs of claim against the Debtors was established as September 16, 2013 (the “Bar Date”) and the deadline for governmental units to file claims against the Debtors was established as November 25, 2013. On August 9, 2013, the Debtors caused written notice of the Bar Date to be mailed to the Debtors’ known and potential creditors [Docket No. 265]. In addition, on August 15, 2013, the Debtors caused notice of the Bar Date to be published in the The New York Times [Docket No. 299].

8. Thereafter, on December 13, 2013, an order was entered establishing January 31, 2014 (the “Administrative Bar Date”) as the deadline for the filing of all administrative proofs of claim against the Debtors (the “Administrative Bar Date Order”) [Docket No. 490]. On December 19, 2013, the Debtors caused written notice of the Administrative Bar Date to be mailed to the Debtors’ known and potential creditors [Docket No. 516]. Additionally, on December 26, 2013, the Debtors caused notice of the Administrative Bar Date to be published in The New York Times Local Edition [Docket No. 622].

9. On November 6, 2014, the Court entered an Order (the “Confirmation Order”) confirming the Debtors’ First Amended Plan of Liquidation Under Chapter 11 of the Bankruptcy Code of Sound Shore Medical Center of Westchester, *et al.* (the “Plan”) [Docket No. 908]. Pursuant to the Confirmation Order, Monica Terrano has been appointed as Plan Administrator.

Pursuant to the Plan, the Plan Administrator has the authority, among other things, to object to claims on behalf of the Estates.

10. On December 9, 2014, the Debtors filed their Notice of (I) Entry of Order Confirming Debtors' First Amended Plan of Liquidation; (II) Occurrence of Effective Date of Plan; (III) Supplemental Administrative Claims Bar Date; (IV) Professional Fee Claims Bar Date; and (V) Bar Date for Proofs of Claim Relating to Executory Contracts Rejected Pursuant to Plan declaring the Plan to be "effective" [Docket No. 940].

11. On August 9, 2013, Mr. Oyague filed the Claim against the Debtors' estates based on "medical negligence/malpractice" in the stated amount of \$250,000 which asserts that \$40,000 of the Claim is entitled to priority treatment pursuant to section 507(a)(1)(A) or (a)(1)(B) of the Bankruptcy Code for domestic support obligations. The remaining \$210,000 portion of the Claim was filed as a general unsecured claim.⁴

JURISDICTION

12. This Court has jurisdiction over this Objection pursuant to 28 U.S.C. § 1408. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(B). The statutory predicates for the relief requested herein are Section 502 of the Bankruptcy Code and Rules 3001 and 3002 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

RELIEF REQUESTED

13. The Plan administrator seeks an Order reclassifying the \$40,000 portion of the Claim as a general unsecured claim on the basis that the supporting documentation attached to

⁴ Mr. Oyague previously filed two other claims against the Debtors' estates which were designated as claim nos. 1148 and 1164. Those claims were previously expunged pursuant to the Court's Order granting the Debtors' Fourth Omnibus Objection [Docket No. 1194].

the Claim does not give rise to a priority claim under section 507(a)(1)(A) or (a)(1)(B) of the Bankruptcy Code.

14. As previously stated, and based on documentation supporting the Claim, the basis for Mr. Oyague's claim is alleged medical negligence and malpractice stemming surgery on his right knee at The Mount Vernon hospital in June 2007. Prior to the Petition Date, Mr. Oyague commenced an action in the New York State Supreme Court based on such allegations.

15. Section 507(a)(1)(A) and (a)(1)(B) of the Bankruptcy Code provide a first level priority treatment to claims based on domestic support obligations owed to or recoverable by a "spouse, former spouse, or child of the debtor, or such child's parent, legal guardian, or responsible relative," whether held by such listed parties or assigned to a governmental unit. 11 U.S.C. §§ 507(a)(1)(A) and (a)(1)(B). A creditor who asserts entitlement to priority a claim bears the burden of proving that all of the requisite elements of a priority claim have been established. See In re Chateaugay Corp., 102 B.R. 335, 353 (Bankr. S.D. N.Y. 1989).

16. To establish entitlement to a priority unsecured claim, Mr. Oyague must first establish that the claim is for domestic support obligations owed to a "spouse, former spouse, or child of the debtor, or such child's parent, legal guardian, or responsible relative," or that he is a governmental unit acting as assignee of such claim. Mr. Oyague is not a spouse, former spouse, or child of the Debtors, nor is he a governmental unit. Accordingly, Mr. Oyague's claim is not entitled to priority treatment under section 507(a)(1)(A) and (a)(1)(B) of the Bankruptcy Code.

17. As set forth herein, the Plan Administrator has carefully reviewed and scrutinized the Claim and has determined that the Claim is not entitled to priority status pursuant to section

507 of the Bankruptcy Code. The Plan Administrator thus seeks to recharacterize the \$40,000 portion of the Claim as a general unsecured claim.

RESERVATION OF RIGHTS

18. The Plan Administrator reserves all rights to object or defend against any surviving claims against the Debtors, whether asserted or unasserted by Mr. Oyague, and to further object to the surviving claim on any other grounds discovered by the Plan Administrator during the pendency of this case. Should the objection addressed herein be denied or dismissed, the Plan Administrator reserves her rights to further object to the Claim on any other grounds discovered by the Plan Administrator during the pendency of this case.

NOTICE

19. Notice of this Objection will be given by mailing a copy of this Objection and the proposed order to (i) the Office of the United States Trustee for this district, (ii) counsel for the Committee, (iii) Mr. Oyague, and (iv) each of the entities who have filed a notice of appearance in accordance with Bankruptcy Rule 2002 and all other parties required to be notified under the Case Management Order.

WHEREFORE, the Plan Administrator respectfully requests that the relief requested herein be granted and this Court enter an order, substantially in the form annexed hereto as Exhibit B, and grant such other and further relief as is just and proper.

Dated: Great Neck, New York
July 15, 2016

GARFUNKEL WILD, P.C.
Counsel for the Plan Administrator

By: /s/ Adam T. Berkowitz
Burton S. Weston
Adam T. Berkowitz
Phillip Khezri
111 Great Neck Road
Great Neck, NY 11021
(516) 393-2200

EXHIBIT A



Modified B10 (GCG) (04/13)

8. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. [If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted")] **18 PAGES OF DOCUMENTS**
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. **ENCLOSED - R.**
If the documents are not available, please explain:

9. Signature: (See instruction #9) Check the appropriate box.
☒ I am the creditor ☐ I am the creditor's authorized agent. ☐ I am the trustee, or the Debtor, or their authorized agent. (See Bankruptcy Rule 3004) ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005)
(Attach copy of power of attorney, if any)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: **RALPH OYAGUE**

Title: **Pro Se Litigant**

Company:

Ralph Oyague
(Signature)

JULY 26, 2013
(Date)

Address and telephone number (if different from notice address above):

Claimant is currently incarcerated at Clinton Correctional Facility in Clinton County, N.Y. 12929

Telephone number: email:

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the Debtor, exceptions to these general rules may apply. The attorneys for the Debtors and their court-appointed claims agent, GCG, are not authorized and are not providing you with any legal advice.

PLEASE SEND YOUR ORIGINAL, COMPLETED CLAIM FORM AS FOLLOWS: **IF BY MAIL:** Sound Shore Medical of Westchester, et al., c/o GCG, Inc., P.O. Box 9982, Dublin, Ohio 43017-5982. **IF BY HAND OR OVERNIGHT COURIER:** Sound Shore Medical of Westchester, et al., c/o GCG, 5151 Blazer Parkway, Suite A, Dublin, OH 43017. ANY PROOF OF CLAIM SUBMITTED BY FACSIMILE OR EMAIL WILL NOT BE ACCEPTED.

THE GENERAL BAR DATE IN THESE CHAPTER 11 CASES IS **2013 AT 4:00 P.M. (PREVAILING EASTERN TIME)**
THE GOVERNMENTAL BAR DATE IN THESE CHAPTER 11 CASES IS **2013 AT 4:00 P.M. (PREVAILING EASTERN TIME)**

Items to be completed in Proof of Claim Form

Court, Name of Debtor, and Case Number:

These chapter 11 cases were commenced in the United States Bankruptcy Court for the Southern District of New York on May 29, 2013 (the "Commencement Date"). You should select the Debtor against which you are asserting your claim.

A SEPARATE PROOF OF CLAIM FORM MUST BE FILED AGAINST EACH DEBTOR.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. Please provide us with a valid email address. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the Petition Date. Follow the instructions concerning whether to complete items 4, 5 and 6. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to your claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor: State only the last four digits of the Debtor's account or other number used by the creditor to identify the Debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the Debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507(a):

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Claim Pursuant to 11 U.S.C. § 503(b)(9):

If you have a claim arising from the value of any goods received by the Debtor within 20 days before May 29, 2013, the date of commencement of the above cases, in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business, state the amount of such claim and attach documentation supporting such claim. (See DEFINITIONS, below)

7. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the Debtor credit for any payments received toward the debt.

8. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential healthcare information. Do not send original documents, as attachments may be destroyed after scanning.

9. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, attach a complete copy of any power of attorney, and provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

Modified B10 (GCG) (04/13)

DEFINITIONS

Debtor

A Debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor

A creditor is the person, corporation, or other entity to whom the Debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. § 101(10).

Claim

A claim is the creditor's right to receive payment for a debt owed by the Debtor on the date of the bankruptcy filing. See 11 U.S.C. § 101(5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the Debtor on the date of the bankruptcy filing. The creditor must file the form with GCG as described in the instructions above and in the Bar Date Notice.

Section 503(b)(9) Claim

A Section 503(b)(9) claim is a claim for the value of any goods received by the Debtor within 20 days before the date of commencement of a bankruptcy case in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business.

Secured Claim Under 11 U.S.C. § 506(a)

A secured claim is one backed by a lien on property of the Debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a Debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the Debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. § 507(a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

INFORMATION

Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

Acknowledgment of Filing of Claim

To receive a date-stamped copy of your proof of claim form, please provide a self-addressed stamped envelope and a copy of your proof of claim form when you submit the original to GCG. You will also receive an acknowledgment letter from GCG after your proof of claim form has been processed.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the Debtor. These entities do not represent the bankruptcy court or the Debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(a), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.), and any applicable orders of the bankruptcy court.

Display of Proof of Claim on Case Administration Website

As the official claims agent, and in accordance with Federal Bankruptcy Rule 9037(g), GCG will display the first page of your proof of claim form on the case administration website. Please be aware that any personal information not otherwise redacted on your proof of claim form will be displayed over the Internet.

EXHIBIT B

PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

SOUND SHORE MEDICAL CENTER OF
WESTCHESTER, et al.,

Chapter 11

Case No.: 13-22840 (RDD)

Debtors.

-----X

**ORDER GRANTING PLAN ADMINISTRATOR'S OBJECTION TO
PROOF OF CLAIM NO. 121 FILED BY RALPH OYAGUE**

Upon the objection, dated July 15, 2016, of the Plan Administrator appointed in these cases (the "Objection") for entry of an order, pursuant to section 502(b) of title 11, United States Code (the "Bankruptcy Code") and Rule 3007(d) of the Federal Rules of Bankruptcy Procedure, seeking entry of an order reclassifying the priority portion of proof of claim number 121 filed by Ralph Oyague ("Mr. Oyague") all as more fully described in the objection; and due and sufficient notice of the Objection having been provided to Mr. Oyague at the address set forth on his proof of claim; and it appearing that no other or further notice need be provided; and Mr. Oyague having failed to file a response and failed to appear at the hearing; and the Court having found and determined that the relief sought in the Objection is in the best interests of the Debtors, their estates, creditors, and all parties in interest and that the legal and factual basis set forth in the Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED, that the relief requested in the Motion is granted to the extent provided herein; and it is further

ORDERED, that, pursuant to section 502(b) of the Bankruptcy Code, the priority portion of proof of claim number 121 is reclassified as a general unsecured claim; and it is further

ORDERED, that all rights of the Plan Administrator to object to any surviving claims against the Debtors, whether asserted or unasserted by Mr. Oyague, and to further object to the surviving claim on any other grounds discovered by the Plan Administrator during the pendency of this case, are hereby reserved; and it is further

ORDERED, that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: August __, 2016
White Plains, New York

HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE

Hearing Date: August 16, 2016 at 10:00 a.m. (Prevailing Eastern Time)
Objection Deadline: August 9, 2016 at 4:00 p.m. (Prevailing Eastern Time)

GARFUNKEL WILD, P.C.
111 Great Neck Road
Great Neck, New York 11021
Telephone: (516) 393-2200
Facsimile: (516) 466-5964
Burton S. Weston
Adam T. Berkowitz
Phillip Khezri

Counsel for the Estates and Plan Administrator

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

SOUND SHORE MEDICAL CENTER OF
WESTCHESTER, et al¹.

Debtors.

Chapter 11
Case No. 13-22840 (RDD)

(Jointly Administered)

**NOTICE OF THE PLAN ADMINISTRATOR'S OBJECTION
TO PROOF OF CLAIM NO. 121 FILED BY RALPH OYAGUE**

PLEASE TAKE NOTICE, that Monica Terrano, the Plan Administrator appointed in the above-captioned cases, filed an objection (the "Objection") seeking the entry of an order reclassifying the proof of claim filed by Ralph Oyague.

PLEASE TAKE NOTICE, that a hearing on the Objection will be held before the Honorable Robert D. Drain, United States Bankruptcy Judge for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601 on the 16th day of August 2016 at

¹ The debtors in these chapter 11 cases, along with the last four digits of each debtor's federal tax identification number include: Sound Shore Health System, Inc. (1398), Sound Shore Medical Center of Westchester (0117), The Mount Vernon Hospital (0115), Howe Avenue Nursing Home, Inc., d/b/a Helen and Michael Schaffer Extended Care Center (0781), NRHMC Services Corporation (9137), The M.V.H. Corporation (1514) and New Rochelle Sound Shore Housing, LLC (0117). There are certain additional affiliates of the Debtors who are not debtors and have not sought relief under Chapter 11.

10:00 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, to consider the entry of an Order approving the relief requested in the Objection and granting such other and further relief as is just and proper.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the relief requested in the Objection must be in writing, stating in detail the reasons therefor, and must be filed with the Clerk of the Bankruptcy Court, with a hard copy provided to the Clerk's Office at the Court for delivery to the Chambers of the Honorable Robert D. Drain, and shall be served upon (i) Garfunkel Wild, P.C., 111 Great Neck Road, Great Neck, New York 11021, Attention: Burton S. Weston, Esq., Adam T. Berkowitz, Esq., and Phillip Khezri, Esq., counsel to the Estates and Plan Administrator; (ii) Alston & Bird LLP, 90 Park Avenue, New York, New York 10016 Attention: Martin G. Bunin, Esq. and Craig E. Freeman, Esq., counsel to the Committee; and (iii) the Office of the United States Trustee for the this district, so as to be received by all such parties no later than August 9, 2016 at 4:00 p.m.

PLEASE TAKE FURTHER NOTICE, that if no objections are timely served and filed as set forth above, the relief requested in the Objection may be granted without further notice.

Dated: July 15, 2016

GARFUNKEL WILD, P.C.
*Counsel for the Estates and Plan
Administrator*

By: /s/ Adam T. Berkowitz
Burton S. Weston
Adam T. Berkowitz
Phillip Khezri
111 Great Neck Road
Great Neck, NY 11021
(516) 393-2200