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Via ECF

September 11, 2019

Hon. Alan S. Trust
U.S. Bankruptcy Judge
U.S Bankruptcy Court
Eastern District of New York
Alfonse M. D'Amato Federal Courthouse
290 Federal Plaza,
Central Islip, New York 11722

Re: *In re: Absolut Facilities Management, LLC, et al.*, No. 19-76260-ast

Dear Judge Trust:

We represent Absolut Facilities Management, LLC and its affiliated debtor entities (collectively, the "**Debtors**"), as debtors-in-possession in the above-referenced chapter 11 cases.

Pursuant to the Court's instruction, we write to provide notice of a hearing (the "**First Day Hearing**") on certain filed motions and applications.

PLEASE TAKE NOTICE that on September 10, 2019 (the "**Petition Date**"), the Debtors filed petitions for relief under chapter 11 of title 11 of the United States Code (the "**Bankruptcy Code**") in the United States Bankruptcy Court for the Eastern District of New York.

PLEASE TAKE FURTHER NOTICE that the Debtors have filed, among other things, the following motions and applications. Pursuant to Administrative Order No. 565 Adopting Guidelines for First Day Motions, a brief summary of the relief sought in each motion and application is set forth below.

- ***Motion for Order Authorizing and Directing Joint Administration and Use of Consolidated Caption (Dkt. No. 2)***. The Debtors request an order authorizing and directing joint administration of the Debtors' chapter 11 cases for procedural purposes only, and directing parties to use a consolidated caption.
- ***Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing Postpetition Financing; (II) Granting Liens and Superpriority Claims to Postpetition Lender; and (III) Scheduling Final Hearing (Dkt. No. 4)***. The Debtors request authority to use cash collateral, and to obtain post-petition financing and borrow funds from the postpetition



lender.

- ***Debtors' Emergency Motion for Order Under 11 U.S.C. §§ 105(A) and 366 (I) Prohibiting Utility Companies from Altering or Discontinuing Service on Account of Prepetition Invoices, (II) Approving Deposit Account As Adequate Assurance of Payment, and (III) Establishing Procedures for Resolving Requests By Utility Companies for Additional Assurance of Payment (Dkt. No. 5).*** The Debtors request orders prohibiting their utility companies from altering or discontinuing services, and establishing procedures to provide their utility companies with adequate assurance of future performance.
- ***Debtors' Motion for an Order Extending Time for Debtors to File their Schedules of Assets and Liabilities and Statements of Financial Affairs (Dkt. No. 6).*** The Debtors request an order extending by twenty-eight (28) days, the deadline to file their schedules and statements up to, and including, October 22, 2019.
- ***Debtors' Emergency Motion to (I) File A Consolidated List of Creditors, (II) File A Consolidated List of the Thirty Largest Unsecured Creditors, (III) Redact Certain Personal Identification Information of Individual Creditors and Current and Former Employees; and (IV) Mail Initial Notices (Dkt. No. 7).*** The Debtors request an order authorizing and directing joint administration of the Debtors' chapter 11 cases for procedural purposes only, and directing parties to use a consolidated caption.
- ***Debtors' Emergency Motion (I) for Authority to File Under Seal Separate Schedule F and Matrix Containing Patient Information, (II) to Authorize Certain Procedures to Maintain the Confidentiality of Patient Information, (III) to Modify Notice to Patients, and (IV) for Relief from Required Form of Mailing Matrix with Regard to Separate Matrix (Dkt. No. 8).*** The Debtors request an order (i) authorizing the Debtors to file under seal a separate Schedule F and matrix containing all patients with known or suspected claims as well as any other references to patients in any other filing, (ii) authorizing certain procedures to maintain the confidentiality of patient information, (iii) modifying notice to patients, and (iv) granting relief from required form of mailing matrix with regard to the matrix of patient information.
- ***Debtors' Motion for Order (A) Establishing Bar Date for Filing Proofs of Claim, Including Requests for Payment Under Section 503(B)(9) of the Bankruptcy Code; and (B) Approving Form and Manner of Notice of Bar Date (Dkt. No. 9).*** The Debtors request an order (i) establishing deadlines for filing proofs of claim, including requests for payment under



Section 503(b)(9) of the Bankruptcy Code, and (ii) approving the form and manner of the notice of bar date.

- ***Debtors' Emergency Motion for Entry of Interim and Final Orders Authorizing the Debtors to Pay Certain Prepetition Claims of Critical Vendors (Dkt. No. 10).*** The Debtors request authority to pay prepetition amounts to certain vendors deemed essential by the Debtors to the postpetition operation of their business or such vendors that are entitled to an administrative expense claim arising from prepetition delivery of goods and services to the Debtors.
- ***Debtors' Emergency Motion for Interim and Final Orders (I) Authorizing the Debtors to (A) Continue Using their Cash Management System and (B) Maintain Existing Bank Accounts and Business Forms; (II) Waiving Certain Deposit Guidelines and (III) Granting Related Relief (Dkt. No. 11).*** The Debtors request authority to continue to use their prepetition cash management system and existing bank accounts. Further, the Debtors request an interim waiver of certain requirements of the Bankruptcy Code and the Operating Guidelines and Reporting Requirements for Debtors in Possession and Trustees with respect to certain accounts used by the Debtors.
- ***Motion for Entry of An Order (I) Authorizing the Debtors to (A) Continue Insurance Coverage Entered Into Prepetition, (B) Pay and Satisfy Prepetition Obligations Related thereto, Including Broker Fees and Premium Financing Obligations; and (II) Granting Related Relief (Dkt. No. 12).*** The Debtors request interim and final orders authorizing them to continue insurance coverage entered into prepetition, and satisfy prepetition obligations related thereto, including broker fees and premium financing obligations.
- ***Debtors' Emergency Motion for Interim and Final Orders (I) Authorizing, But Not Directing, Debtors to (A) Pay and Honor Prepetition Employee Obligations, and (B) Maintain and Continue Certain Compensation and Benefit Programs Postpetition; and (II) Granting Related Relief (Dkt. No. 13).*** The Debtors request authority to, among other things, satisfy outstanding prepetition obligations to their current employees, maintain certain prepetition benefit programs, reimburse employees for prepetition expenses that were incurred on behalf of the Debtors, and remit various prepetition withholdings from employee wages.
- ***Debtors' Motion for Interim and Final Orders (I) Authorizing Payment of Certain Prepetition Taxes and Assessments and (II) Directing Financial Institutions to Honor and Process Related Checks and***



Transfers (Dkt. No. 14). The Debtors request interim and final orders, (i) authorizing the Debtors to pay all taxes that arose before the Petition Date, including all taxes subsequently determined by audit or otherwise to be owed for periods before the Petition Date; and (ii) authorizing applicable banks to receive, honor, process, and pay all checks issued or to be issued and electronic funds transfers requested or to be requested relating to the above.

PLEASE TAKE FURTHER NOTICE that except as set forth below, the First Day Hearing on the Debtors' motions and application set forth below will be held before the Honorable Alan S. Trust, United States Bankruptcy of the United States Bankruptcy for the Eastern District of New York, Alfonse M. D'Amato Federal Courthouse, 290 Federal Plaza, Central Islip, New York 11722, Courtroom 960 on September 12, 2019, at 2:00 p.m., at which time the Debtors will seek entry of orders substantially in the form annexed to the respective motions and application.

PLEASE TAKE FURTHER NOTICE that interim relief will be sought at the First Day Hearing with respect to the following motions.

- *Motion for Order Authorizing and Directing Joint Administration and Use of Consolidated Caption (Dkt. No. 2).*
- *Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing Postpetition Financing; (II) Granting Liens and Superpriority Claims to Postpetition Lender; and (III) Scheduling Final Hearing (Dkt. No. 4).*
- *Debtors' Emergency Motion for Order Under 11 U.S.C. §§ 105(A) and 366 (I) Prohibiting Utility Companies from Altering or Discontinuing Service on Account of Prepetition Invoices, (II) Approving Deposit Account As Adequate Assurance of Payment, and (III) Establishing Procedures for Resolving Requests By Utility Companies for Additional Assurance of Payment (Dkt. No. 5).*
- *Debtors' Emergency Motion to (I) File A Consolidated List of Creditors, (II) File A Consolidated List of the Thirty Largest Unsecured Creditors, (III) Redact Certain Personal Identification Information of Individual Creditors and Current and Former Employees; and (IV) Mail Initial Notices (Dkt. No. 7).*
- *Debtors' Emergency Motion (I) for Authority to File Under Seal Separate Schedule F and Matrix Containing Patient Information, (II) to Authorize Certain Procedures to Maintain the Confidentiality of Patient Information, (III) to Modify Notice to Patients, and (IV) for Relief from Required Form of Mailing Matrix with Regard to Separate Matrix (Dkt. No. 8).*



- *Debtors' Emergency Motion for Entry of Interim and Final Orders Authorizing the Debtors to Pay Certain Prepetition Claims of Critical Vendors* (Dkt. No. 10).
- *Debtors' Emergency Motion for Interim and Final Orders (I) Authorizing the Debtors to (A) Continue Using their Cash Management System and (B) Maintain Existing Bank Accounts and Business Forms; (II) Waiving Certain Deposit Guidelines and (III) Granting Related Relief* (Dkt. No. 11).
- *Debtors' Emergency Motion for Interim and Final Orders (I) Authorizing, But Not Directing, Debtors to (A) Pay and Honor Prepetition Employee Obligations, and (B) Maintain and Continue Certain Compensation and Benefit Programs Postpetition; and (II) Granting Related Relief* (Dkt. No. 13).

PLEASE TAKE FURTHER NOTICE that a hearing with respect to the following motions and applications will be scheduled at a later date before the Honorable Alan S. Trust, United States Bankruptcy of the United States Bankruptcy for the Eastern District of New York, Alfonse M. D'Amato Federal Courthouse, 290 Federal Plaza, Central Islip, New York 11722, Courtroom 960. Notice of such hearing will be provided and at that hearing the Debtors will seek entry of orders substantially in the form annexed to the following motions or applications.

- *Debtors' Motion for An Order Extending Time for Debtors to File their Schedules of Assets and Liabilities and Statements of Financial Affairs* (Dkt. No. 6).
- *Debtors' Motion for Order (A) Establishing Bar Date for Filing Proofs of Claim, Including Requests for Payment Under Section 503(B)(9) of the Bankruptcy Code; and (B) Approving Form and Manner of Notice of Bar Date* (Dkt. No. 9).
- *Motion for Entry of An Order (I) Authorizing the Debtors to (A) Continue Insurance Coverage Entered Into Prepetition, (B) Pay and Satisfy Prepetition Obligations Related thereto, Including Broker Fees and Premium Financing Obligations; and (II) Granting Related Relief* (Dkt. No. 12).
- *Debtors' Motion for Interim and Final Orders (I) Authorizing Payment of Certain Prepetition Taxes and Assessments and (II) Directing Financial Institutions to Honor and Process Related Checks and Transfers* (Dkt. No. 14).

PLEASE TAKE FURTHER NOTICE that if anyone wishes to be heard respecting any of the foregoing matters, they must attend the hearing. The hearing may be adjourned from time to time in open court.



PLEASE TAKE FURTHER NOTICE that if anyone would like to receive copies of any of the motions or applications set forth above, (a) they may access such documents online from either the Bankruptcy Court's electronic case filing system located at <http://www.nyeb.uscourts.gov/> or the website of the Debtors' proposed claims agent at primeclerk.com, or (b) they may contact Schuyler G. Carroll, Esq., Daniel Besikof, Esq. or Noah Weingarten, Esq. at Loeb & Loeb LLP, 345 Park Avenue, New York, New York 10154, by telephone at (212) 407-4000 or by e-mail at scarroll@loeb.com; dbesikoff@loeb.com; nweingarten@loeb.com

We thank the Court for its attention to this matter.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "S. G. Carroll".

Schuyler G. Carroll
Partner