

LOEB & LOEB LLP

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*Proposed Counsel to the Debtors
and Debtors-in-Possession*

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

In re:	)	Chapter 11
)	
	)	Case No. 19-76260-ast
	)	Case No. 19-76263-ast
	)	Case No. 19-76267-ast
Absolut Facilities Management, LLC, <i>et al.</i>	)	Case No. 19-76268-ast
	)	Case No. 19-76269-ast
Debtors. ¹	)	Case No. 19-76270-ast
	)	Case No. 19-76271-ast
	)	Case No. 19-76272-ast
)	
	)	(Jointly Administered)

**NOTICE OF AGENDA FOR HEARING ON NOVEMBER 20, 2019 AT 2:00 P.M.
(EASTERN TIME), BEFORE THE HONORABLE ALAN S. TRUST AT THE UNITED
STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF NEW YORK,
AT COURTROOM 960, 290 FEDERAL PLAZA, CENTRAL ISLIP, NEW YORK, 11722**

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number, are: Absolut Facilities Management, LLC (1412); Absolut Center for Nursing and Rehabilitation at Allegany, LLC (7875); Absolut Center for Nursing and Rehabilitation at Aurora Park, LLC (8266); Absolut Center for Nursing and Rehabilitation at Gasport, LLC (8080); Absolut at Orchard Brooke, LLC (1641); Absolut Center for Nursing and Rehabilitation at Orchard Park, LLC (8300); Absolut Center for Nursing and Rehabilitation at Three Rivers, LLC (8133); and Absolut Center for Nursing and Rehabilitation at Westfield, LLC (7924).

1. Status Conference.

Status: This matter is going forward.

2. Debtors' Application for Entry of Order Authorizing the Employment and Retention of Loeb & Loeb LLP as Counsel to the Debtors *Nunc Pro Tunc* to Petition Date (Dkt. No. 195).

Related Documents: Certification of no objection (Dkt. No. 246).

Status: This matter is going forward on an uncontested basis.

3. Debtors' Motion for Entry of Order Authorizing the Retention and Compensation of Certain Professionals Utilized in the Ordinary Course of Business (Dkt. No. 197).

Related Documents: Certification of no objection (Dkt. No. 246).

Status: This matter is going forward on an uncontested basis.

4. Debtors' Application for an Order Authorizing Employment and Retention of Prime Clerk LLC as Administrative Advisor *Nunc Pro Tunc* to the Petition Date (Dkt. No. 228).

Related Documents: Certification of no objection (Dkt. No. 246).

Status: This matter is going forward on an uncontested basis.

5. Debtors' Application for an Order Authorizing Employment and Retention of William K. Lenhart of WKL Advisors, LLC as Independent Advisor for the Debtors *Nunc Pro Tunc* to the Petition Date (Dkt. No. 229).

Related Documents: Certification of no objection (Dkt. No. 246).

Status: This matter is going forward on an uncontested basis.

6. 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).

Related Documents:

A. Interim Order (Dkt. No. 109).

B. Notice of Filing Schedule of Prepetition Payroll and Tax Obligations (Dkt. No. 134).

Status: This matter is going forward on a further interim basis.

7. 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).

Related Documents: N/A

Status: The Debtors will seek to adjourn consideration of this motion to a later date.

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).

Related Documents:

- A. Declarations of Michael Wyse (Dkt. Nos. 15 & 57).
- B. Debtors' Emergency Motion to Redact Critical Vendors Motion (Dkt. No. 18).
- C. Letters from Schuyler Carroll Providing Notice of First Day and Continued Hearing on Certain First Day Motions (Dkt. Nos. 21 & 33).
- D. Order Sealing Critical Vendors Motion (Dkt. No. 22).
- E. Redacted Version of the Critical Vendors Motion (Dkt. No. 24).
- F. Landlord's Objection (Dkt. No. 39).
- G. Interim Order (Dkt. No. 245).

Status: This matter is going forward on a further interim basis.

9. Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Obtain Postpetition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(d)(1), and 364(e) and (B) Use Cash Collateral Pursuant to 11 U.S.C. § 363, (C) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 364, and (D) Scheduling Final Hearing Pursuant to Bankruptcy Rules 4001(b) and (c) (Dkt. No. 4).

Related Documents:

- A. Declarations of Michael Wyse (Dkt. Nos. 15 & 57).
- B. Landlord's Preliminary Objection (Dkt. No. 30).
- C. Landlord's Supplemental Objection (Dkt. No. 39).
- D. Debtors' Omnibus Response to Landlord's Preliminary and Supplemental Objections (Dkt. No. 40).
- E. Capital Finance's Objection (Dkt. No. 60).
- F. Capital Funding's Objection (Dkt. No. 70).
- G. Landlord's Notice of Unresolved Objection to Proposed Form of DIP Financing Order (Dkt. No. 74).
- H. DIP Lender's Response to Landlord's Notice of Unresolved Objection (Dkt. No. 76).
- I. Letter from Schuyler Carroll Uploading Proposed Order (Dkt. No. 80).
- J. Capital Funding's Amended Objection (Dkt. No. 95).

- K. Declaration of Brian J. Young in Opposition to Use of Cash Collateral, Filed by Capital Finance (Dkt. No. 128).
- L. Notice of Filing Budget (Dkt. No. 135).
- M. Notice of Filing Budget and Declaration of Michael Wyse (Dkt. No. 136).
- N. Letter Regarding Status of Term Sheet and the Proposed Form of the DIP/Cash Collateral Order (Dkt. No. 137).
- O. Notice of Filing DIP/Cash Collateral Proposed Order (Dkt. No. 138).
- P. Final Interim DIP/Cash Collateral Order (Dkt. No. 173).
- Q. Landlord's Status Letter (Dkt. No. 204).
- R. Debtors' Status Letter (Dkt. No. 206).
- S. Landlord's Status Letter (Dkt. No. 219).

Status: This matter is going forward on a final, consensual basis.

10. Motion for Entry of Order Approving the Debtors' Plan of Closure for Orchard Park Facility (Dkt. No. 51).

Related Documents:

- A. Supplemental Declaration of Michael Wyse (Dkt. No. 20).
- B. 6060 Armor Group's Application for a Temporary Restraining Order (Dkt. Nos. 55 & 56).
- C. Capital Finance's Joinder to Application for a Temporary Restraining Order (Dkt. No. 58).
- D. Capital Finance's Objection (Dkt. No. 63).
- E. Capital Funding's Joinder to Application for a Temporary Restraining Order (Dkt. No. 67).
- F. Arba Group's Motion to Appoint Trustee or, Alternatively, an Examiner and Objection to Closure Plan Motion (Dkt. No. 69).
- G. Letter from Schuyler Carroll Enclosing the Closure Plan (Dkt. No. 83).
- H. Debtors' Omnibus Response to Trustee Motion and Objections to Closure Plan (Dkt. No. 96).
- I. Declaration of Michael Wyse (Dkt. No. 97).
- J. Declaration of William K. Lenhart (Dkt. No. 98).
- K. Declaration of Sean Doolan (Dkt. No. 99).
- L. Declaration of Israel Sherman (Dkt. No. 100).

Status: This matter is going forward on a consensual basis.

11. Motion for Entry of an Order Authorizing the Debtors to Reject Orchard Park Facility Lease (Dkt. No. 85).

Related Documents: N/A

Status: This matter is going forward on a consensual basis.

12. Landlords' (I) Motion for Entry of an Order Appointing Chapter 11 Trustee or, Alternatively, an Examiner, Pursuant to Section 1104 and (II) Preliminary Objection to Debtors' Motion to Approve Plan of Closure for Orchard Park Facility (Dkt. No. 69).

Related Documents:

- A. Arba Group's *Ex Parte* Motion to Have Trustee Motion Heard on Shortened Time (Dk. No. 71).
- B. Order Granting Request to Have Trustee Motion Heard on Shortened Time (Dkt. No. 77).
- C. U.S. Trustee's Joinder to Trustee Motion (Dkt. No. 87).
- D. Debtors' Omnibus Response to Trustee Motion and Objections to Closure Plan (Dkt. No. 96).
- E. Declaration of Michael Wyse (Dkt. No. 97).
- F. Declaration of William K. Lenhart (Dkt. No. 98).
- G. Declaration of Sean Doolan (Dkt. No. 99).
- H. Declaration of Israel Sherman (Dkt. No. 100).
- I. Official Committee of Unsecured Creditors' (1) Objection to Landlords' Motion for a Chapter 11 Trustee, or Alternatively, an Examiner, and U.S. Trustee's Motion for a Chapter 11 Trustee, and (2) Statement Respecting Debtors' Motion to Approve Closure Plan for Orchard Park Facility (Dkt. No. 194).
- J. Landlord's Status Letter (Dkt. No. 204).
- K. Debtors' Status Letter (Dkt. No. 206).
- L. Landlord's Status Letter (Dkt. No. 219).

Status: This matter is going forward on status only.

13. Motion Seeking Entry of an Order Under 11 U.S.C. § 1104 Directing the Appointment of a Chapter 11 Operating Trustee and for Related Relief (Dkt. No. 102).

Related Documents:

- A. Official Committee of Unsecured Creditors' (1) Objection to Landlords' Motion for a Chapter 11 Trustee, or Alternatively, an Examiner, and U.S. Trustee's Motion for a Chapter 11 Trustee, and (2) Statement Respecting Debtors' Motion to Approve Closure Plan for Orchard Park Facility (Dkt. No. 194).
- B. United States Trustee's Reply to the Debtors' and Committee's Opposition to the Appointment of a Chapter 11 Trustee (Dkt. No. 247).

Status: This matter is going forward on status only.

14. Plaintiff's Application for the Entry of Orders Granting a Temporary Restraining Order and Preliminary Injunction Enjoining Defendants from Implementing Unapproved Plan of Closure Prior to Approval Under 11 U.S.C. § 363 (Adv. Pro. No. 19-08121, Dkt. No. 3).

Related Documents: N/A

Status: This matter is proceeding for status only.

15. Order (I) on Plaintiff's Request for a Hearing on Shortened Notice on Plaintiff's Application for Entry of Orders Granting a Temporary Restraining Order and Preliminary Injunction Enjoining Defendants from Implementing Unapproved Plan of Closure Prior to Approval Under 11 U.S.C. § 363; (II) Scheduling a Hearing On Plaintiff's Application; and (III) Ordering Defendants to Show Cause (Adv. Pro. No. 19-08121, Dkt. No. 13).

Related Documents: N/A

Status: This matter is going forward on status only.

16. Scheduling Order (Adv. Pro. No. 19-08121, Dkt. No. 15).

Related Documents: N/A

Status: This matter is going forward on status only.

Dated: November 19, 2019
New York, New York

LOEB & LOEB LLP

/s/ Daniel B. Besikof

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