

**LOWENSTEIN SANDLER LLP**

Kenneth A. Rosen, Esq.  
Gerald C. Bender, Esq.  
Michael Savetsky, Esq.  
Barry Z. Bazian, Esq.  
65 Livingston Avenue  
Roseland, New Jersey 07068  
(973) 597-2500 (Telephone)  
(973) 597-2400 (Facsimile)

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

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

EOGH Liquidation, Inc.,  
f/k/a East Orange General Hospital, Inc., *et al.*,<sup>1</sup>  
  
Debtors.

Chapter 11

Case No. 15-31232 (VFP)

Jointly Administered

**Hearing Date: May 3, 2016 @ 10:00 a.m.**  
**Objection Deadline: April 26, 2016 @ 4:00 p.m.**

**NOTICE OF THE DEBTORS' MOTION FOR ENTRY OF AN  
ORDER FURTHER EXTENDING THE PERIOD WITHIN WHICH THE  
DEBTORS MAY REMOVE ACTIONS**

**PLEASE TAKE NOTICE** that on **May 3, 2016 at 10:00 a.m. (Eastern Time)**, or as soon thereafter as counsel may be heard, the above-captioned debtors and debtors-in-possession (collectively, the "**Debtors**"), by and through their undersigned counsel, shall move (the "**Motion**") before the Honorable Vincent F. Papalia, United States Bankruptcy Judge, in Courtroom 3B of the United States Bankruptcy Court for the District of New Jersey, 50 Walnut Street, 3rd Floor, Newark, New Jersey 07102, for entry of an order, substantially in the form submitted herewith, further extending the period within which the Debtors may file a notice of removal with respect to any civil action.

<sup>1</sup> The Debtors and the last four digits of their Employer Identification Numbers are EOGH Liquidation, Inc. (f/k/a East Orange General Hospital, Inc.) (7166) and EVHI Liquidation, Inc. (f/k/a Essex Valley Healthcare, Inc.) (7667). The Debtors' principal place of business is located at 300 Central Avenue, East Orange, NJ 07018.

**PLEASE TAKE FURTHER NOTICE** that the Debtors shall rely upon the Motion. No brief is necessary as no novel issues of fact or law are presented by the Motion. A proposed form of order was also submitted therewith. Oral argument is requested in the event an objection is timely filed.

**PLEASE TAKE FURTHER NOTICE** that any objections to the Motion must be filed with the Clerk of the Court together with proof of service thereof, and served so as to be **actually received** no later than **April 26, 2016 at 4:00 p.m.** by counsel to the Debtors, Lowenstein Sandler LLP, 65 Livingston Avenue, Roseland, New Jersey 07068, Attn.: Kenneth A. Rosen, Esq. and Gerald C. Bender, Esq.

**PLEASE TAKE FURTHER NOTICE** that objections, if any, must: (a) be in writing; (b) comply with the Bankruptcy Rules, the Local Rules, and other case management rules or orders of this Court; and (c) state with particularity the legal and factual basis for the objection.

**PLEASE TAKE FURTHER NOTICE** that unless an objection is timely filed and served in accordance with this notice, it may not be considered by the Bankruptcy Court. In the event no objections are filed, the relief requested in the Motion may be granted without a hearing.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

Dated: April 12, 2016

Respectfully submitted,

**LOWENSTEIN SANDLER LLP**

*/s/ Kenneth A. Rosen*

---

Kenneth A. Rosen, Esq.

Gerald C. Bender, Esq.

Michael Savetsky, Esq.

Barry Z. Bazian, Esq.

65 Livingston Avenue

Roseland, New Jersey 07068

(973) 597-2500 (Telephone)

(973) 597-2400 (Facsimile)

[krosen@lowenstein.com](mailto:krosen@lowenstein.com)

[gbender@lowenstein.com](mailto:gbender@lowenstein.com)

[msavetsky@lowenstein.com](mailto:msavetsky@lowenstein.com)

[bbazian@lowenstein.com](mailto:bbazian@lowenstein.com)

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

**LOWENSTEIN SANDLER LLP**

Kenneth A. Rosen, Esq.  
Gerald C. Bender, Esq.  
Michael Savetsky, Esq.  
Barry Z. Bazian, Esq.  
65 Livingston Avenue  
Roseland, New Jersey 07068  
(973) 597-2500 (Telephone)  
(973) 597-2400 (Facsimile)

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

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:	Chapter 11
EOGH Liquidation, Inc., f/k/a East Orange General Hospital, Inc., <i>et al.</i> , <sup>1</sup>	Case No. 15-31232 (VFP)
Debtors.	Jointly Administered
	Hearing Date: May 3, 2016 @ 10:00 a.m. Objection Deadline: April 26, 2016 @ 4:00 p.m.

**DEBTORS' MOTION FOR AN ORDER FURTHER EXTENDING THE PERIOD  
WITHIN WHICH THE DEBTORS MAY REMOVE ACTIONS**

The above-captioned debtors and debtors-in-possession (collectively, the “Debtors”), by and through their undersigned counsel, submit this motion (the “Motion”) for entry of an order, substantially in the form submitted herewith, further extending the time within which the Debtors may file a notice of removal with respect to any civil action (the “Removal Period”) for an additional ninety-one (91) days, through and including August 8, 2016.<sup>2</sup> In support of this Motion, the Debtors respectfully state as follows:

<sup>1</sup> The Debtors and the last four digits of their Employer Identification Numbers are EOGH Liquidation, Inc. (f/k/a East Orange General Hospital, Inc.) (7166) and EVHI Liquidation, Inc. (f/k/a Essex Valley Healthcare, Inc.) (7667). The Debtors’ principal place of business is located at 300 Central Avenue, East Orange, NJ 07018.

<sup>2</sup> The ninetieth day after the current Removal Period is Sunday, August 7, 2016.

### **JURISDICTION**

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey dated September 18, 2012 (Simandle, C.J.). Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

2. The statutory predicates for the relief sought herein are Rules 9006(b) and 9027 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

### **BACKGROUND**

3. On November 10, 2015 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code, commencing the above-captioned chapter 11 cases (collectively, the “Chapter 11 Cases”) in the United States Bankruptcy Court for the District of New Jersey (the “Court”).

4. As of the filing of this Motion, no request has been made for the appointment of a trustee or examiner. On November 23, 2015, the Office of the United States Trustee appointed an official committee of unsecured creditors (the “Committee”) [Docket Nos. 81, 134].

5. A detailed description of the Debtors’ business and the facts surrounding the commencement of the Chapter 11 Cases is set forth in the *Declaration of Martin A. Bieber in Support of Debtors’ Chapter 11 Petitions and First Day Pleadings* [Docket No. 13] (the “First Day Declaration”), which is incorporated herein by reference.

6. On January 21, 2016, the Court entered an order authorizing and approving, among other things, the sale of substantially all of the Debtors’ assets (the “Sale”) to Prospect EOGH, Inc. [Docket No. 330]. With the Sale now closed, and the Debtors having ceased all business operations, the Debtors have turned their focus to winding up these Chapter 11 Cases through what they believe will be a consensual plan process.

7. On January 23, 2016, the Court entered the *Order Extending the Period Within Which the Debtors May Remove Actions* [Docket No. 350] (“First Extension Order”). The First Extension Order extended the Debtors’ deadline to remove Civil Actions through and including May 9, 2016. See First Extension Order at ¶ 2.

**RELIEF REQUESTED**

8. By this Motion, the Debtors request entry of an order, pursuant to Bankruptcy Rules 9006(b) and 9027, further extending the Removal Period for an additional ninety-one (91) days, through and including August 8, 2016.

**BASIS FOR RELIEF**

9. 28 U.S.C. § 1452 provides for the removal of actions related to bankruptcy cases. Section 1452 provides in pertinent part:

(a) A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit’s police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

(b) The court to which such claim or cause of action is removed may remand such claim or cause of action on any equitable ground. An order entered under this subsection remanding a claim or cause of action, or a decision to not remand, is not reviewable by appeal or otherwise . . . .

28 U.S.C. § 1452.

10. Bankruptcy Rule 9027(a)(2) and (3) provides in pertinent part:

(2) *Time for filing; Civil Action Initiated Before Commencement of the Case Under the Code.* If the claim or cause of action in a civil action is pending when a case under the Code is commenced, a notice of removal may be filed only within the longest of (A) 90 days after the order for relief in the case under the Code, (B) 30 days after entry of an order terminating a stay, if the claim or cause of action in a civil action has been stayed under § 362 of the Code, or (C) 30 days after a trustee qualifies in a chapter 11

reorganization case but not later than 180 days after the order for relief.

(3) *Time for filing; Civil Action Initiated After Commencement of the Case Under the Code.* If a claim or cause of action is asserted in another court after the commencement of a case under the Code, a notice of removal may be filed with the clerk only within the shorter of (A) 30 days after receipt, through service or otherwise, of a copy of the initial pleading setting forth the claim or cause of action sought to be removed, or (B) 30 days after receipt of the summons if the initial pleading has been filed with the court but not served with the summons.

Fed. R. Bankr. P. 9027(a)(2) and (3).

11. Bankruptcy Rule 9006(b)(1) provides that the Court may extend unexpired time periods, with or without motion or notice:

[W]hen an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion . . . with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order . . .

Fed. R. Bankr. P. 9006(b)(1). The last day of the Removal Period is currently May 9, 2016. Accordingly, this Motion is timely and the Court is authorized to further extend the Debtors' Removal Period.

12. It is well settled that this Court is authorized to expand the removal period provided for by Bankruptcy Rule 9027. *See Pacor, Inc. v. Higgins*, 743 F.2d 984, 996 n.17 (3d Cir. 1984) (overruled on other grounds by *Things Remembered, Inc. v. Petrarca*, 516 U.S. 124 (1995)); *Raff v. Gordon*, 58 B.R. 988, 990 (E.D. Pa. 1986). *See also In re World Fin. Serv. Ctr., Inc.*, 81 B.R. 33, 39 (Bankr. S.D. Cal. 1987).

13. The Debtors submit that the relief requested herein is in the best interests of the Debtors, their estates and creditors. The Debtors are parties to a number of civil actions (collectively, the "Actions") which the Debtors are in the process of evaluating. Since the Petition Date and through the recent consummation of the Sale, the Debtors were focused on stabilizing the hospital and consummating the Sale. With the Sale now consummated, the

Debtors are focused on winding up the Chapter 11 Cases and are negotiating and preparing what they believe will be a consensual chapter 11 plan. The Debtors believe the extension requested herein will provide the Debtors with sufficient time to make fully-informed decisions concerning the removal of the Actions and will ensure that the Debtors' rights provided by 28 U.S.C. § 1452 can be exercised in an appropriate manner. If such an extension is not granted, the Debtors believe they may not have sufficient time to properly evaluate the potential removal of certain of the Actions. Extending the Removal Period as requested herein will not prejudice any creditors or parties-in-interest. Accordingly, the Debtors submit that a further extension of the Removal Period is warranted.

**WAIVER OF MEMORANDUM OF LAW**

14. Because the legal basis upon which the Debtors rely is incorporated herein and the Motion does not raise any novel issues of law, the Debtors respectfully request that the Court waive the requirement to file a separate memorandum of law pursuant to D.N.J. LBR 9013-1(a)(3).

**NO PRIOR REQUEST**

15. This is the Debtors' second request for an extension of the time within which to remove the Actions. No other motion for the relief sought herein has been made to this or any other court.

**NOTICE**

16. Notice of this Motion has been given to (i) the Office of the United States Trustee for the District of New Jersey; (ii) counsel to the Committee; (iii) counsel to the plaintiffs in the Actions; and (iv) those parties who have filed a notice of appearance and request for service of pleadings in these Chapter 11 Cases pursuant to Fed. R. Bankr. P. 2002. In light of the nature of the relief requested herein, the Debtors respectfully submit that no other or further notice is required.



**WHEREFORE**, the Debtors respectfully request that this Court enter an order substantially in the form submitted herewith (i) granting the relief requested herein, and (ii) granting the Debtors such other and further relief as the Court deems just and proper.

Dated: April 12, 2016

Respectfully submitted,

**LOWENSTEIN SANDLER LLP**

/s/ Kenneth A. Rosen

Kenneth A. Rosen, Esq.

Gerald C. Bender, Esq.

Michael Savetsky, Esq.

Barry Z. Bazian, Esq.

65 Livingston Avenue

Roseland, New Jersey 07068

(973) 597-2500 (Telephone)

[krosen@lowenstein.com](mailto:krosen@lowenstein.com)

[gbender@lowenstein.com](mailto:gbender@lowenstein.com)

[bbuechler@lowenstein.com](mailto:bbuechler@lowenstein.com)

[msavetsky@lowenstein.com](mailto:msavetsky@lowenstein.com)

[bbazian@lowenstein.com](mailto:bbazian@lowenstein.com)

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

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.J. LBR 9004-1	
LOWENSTEIN SANDLER LLP Kenneth A. Rosen, Esq. Gerald C. Bender, Esq. Michael Savetsky, Esq. Barry Z. Bazian, Esq. 65 Livingston Avenue Roseland, New Jersey 07068 (973) 597-2500 (Telephone) (973) 597-2400 (Facsimile)  <i>Counsel to the Debtors and Debtors-in-Possession</i>	
In re:  EOGH Liquidation, Inc., f/k/a East Orange General Hospital, Inc., <i>et al.</i> , <sup>1</sup>  Debtors.	Chapter 11  Case No. 15-31232 (VFP)  Jointly Administered

**ORDER FURTHER EXTENDING THE PERIOD WITHIN  
WHICH THE DEBTORS MAY REMOVE ACTIONS**

The relief set forth on the following pages, numbered two (2) through and including three (3), is hereby **ORDERED**.

<sup>1</sup> The Debtors and the last four digits of their Employer Identification Numbers are EOGH Liquidation, Inc. (f/k/a East Orange General Hospital, Inc.) (7166) and EVHI Liquidation, Inc. (f/k/a Essex Valley Healthcare, Inc.) (7667). The Debtors' principal place of business is located at 300 Central Avenue, East Orange, NJ 07018.

Page: 2

Debtors: EOGH Liquidation, Inc., f/k/a East Orange General Hospital, Inc., *et al.*

Case No.: 15-31232 (VFP)

Caption: Order Further Extending the Period Within Which the Debtors May Remove Actions

---

Upon the motion (the “Motion”)<sup>2</sup> of the above captioned debtors and debtors-in-possession (collectively, the “Debtors”) for entry of an order further extending the time within which the Debtors may file a notice of removal with respect to any civil action (the “Removal Period”) for an additional ninety-one (91) days, through and including August 8, 2016; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey dated as of September 18, 2012 (Simandle, C.J.); and venue being proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and notice of the Motion being sufficient under the circumstances; and it appearing that no other or further notice need be provided; and the Court having determined that the relief sought in the Motion is in the best interests of the Debtors, their estates and creditors; and after due deliberation and sufficient cause appearing therefor;

**IT IS HEREBY ORDERED THAT:**

1. The Motion is **GRANTED** as set forth herein.
2. The Removal Period is hereby further extended through and including August 8, 2016, without prejudice to the Debtors’ right to seek further extensions of the Removal Period.
3. The requirement set forth in Local Rule 9013-1(a)(3) that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Motion or otherwise waived.
4. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.
5. This Order is effective immediately upon entry.

---

<sup>2</sup> Capitalized terms used but not defined herein shall have the meaning ascribed to such terms in the Motion.

Page: 3

Debtors: EOGH Liquidation, Inc., f/k/a East Orange General Hospital, Inc., *et al.*

Case No.: 15-31232 (VFP)

Caption: Order Further Extending the Period Within Which the Debtors May Remove Actions

---

6. This Court shall retain exclusive jurisdiction to hear and decide any and all disputes related to or arising from the implementation, interpretation or enforcement of this Order.