

**TRENK, DiPASQUALE,  
DELLA FERA & SODONO, P.C.**

347 Mt. Pleasant Avenue, Suite 300

West Orange, NJ 07052

(973) 243-8600

Joseph J. DiPasquale, Esq.

Adam D. Wolper, Esq.

Franklin Barbosa, Jr., Esq.

[jdipasquale@trenklawfirm.com](mailto:jdipasquale@trenklawfirm.com)

[awolper@trenklawfirm.com](mailto:awolper@trenklawfirm.com)

[fbarbosa@trenklawfirm.com](mailto:fbarbosa@trenklawfirm.com)

*Counsel to Bernard A. Katz, Liquidating Trustee*

**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 and Time:  
April 11, 2017 at 10:00 a.m.

**NOTICE OF MOTION OF THE LIQUIDATING TRUSTEE  
FOR ENTRY OF AN ORDER GRANTING AN EXTENSION OF TIME  
WITHIN WHICH TO FILE OBJECTIONS TO CLAIMS**

**PLEASE TAKE NOTICE** that on **April 11, 2017 at 10:00 a.m.**, or as soon thereafter as the movant may be heard, Bernard A. Katz, Liquidating Trustee (the “Liquidating Trustee”) for the estate of EOGH Liquidating, Inc. (f/k/a East Orange General Hospital, Inc.) (“EOGH”) and EVHI Liquidation, Inc. (f/k/a Essex Valley Healthcare, Inc.) (“EVHI”, and together with EOGH, the “Debtors”), through his counsel Trenk, DiPasquale, Della Fera & Sodono, P.C., shall move 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,

<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.

Newark, New Jersey 07102, for entry of an order, substantially in the form submitted herewith, for entry of an order granting an extension of the time within which the Liquidating Trustee may file objections to claims and such other relief as the Court deems just and proper (the "Motion").

**PLEASE TAKE FURTHER NOTICE** that the Liquidating Trustee shall rely upon the Motion and Certification of Bernard A. Katz, Liquidating Trustee, submitted therewith. 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 4, 2017 at 4:00 p.m.** by counsel to the Liquidating Trustee, Trenk DiPasquale Della Fera & Sodono, P.C., 347 Mt. Pleasant Avenue, West Orange, New Jersey 07052, Attn.: Joseph J. DiPasquale, 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.

Respectfully submitted,

**TRENK, DiPASQUALE,  
DELLA FERA & SODONO, P.C.**  
*Counsel to Bernard A. Katz,  
Liquidating Trustee*

By:           /s/ Joseph J. DiPasquale            
JOSEPH J. DiPASQUALE

Dated: March 22, 2017

4832-7999-2645, v. 1

**TRENK, DiPASQUALE,  
DELLA FERA & SODONO, P.C.**

347 Mt. Pleasant Avenue, Suite 300

West Orange, NJ 07052

(973) 243-8600

Joseph J. DiPasquale, Esq.

Adam D. Wolper, Esq.

Franklin Barbosa, Jr., Esq.

[jdipasquale@trenklawfirm.com](mailto:jdipasquale@trenklawfirm.com)

[awolper@trenklawfirm.com](mailto:awolper@trenklawfirm.com)

[fbarbosa@trenklawfirm.com](mailto:fbarbosa@trenklawfirm.com)

*Counsel to Bernard A. Katz, Liquidating Trustee*

**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 and Time:  
April 11, 2017 at 10:00 a.m.

**APPLICATION IN SUPPORT OF LIQUIDATING TRUSTEE'S  
MOTION FOR AN ORDER GRANTING AN EXTENSION OF TIME  
WITHIN WHICH TO FILE OBJECTIONS TO CLAIMS**

TO: HONORABLE VINCENT F. PAPALIA  
UNITED STATES BANKRUPTCY JUDGE

The Application of Bernard A. Katz, Liquidating Trustee (the "Liquidating Trustee") for the estate of EOGH Liquidation, Inc. (f/k/a East Orange General Hospital, Inc.) ("EOGH") and EVHI Liquidation, Inc. (f/k/a Essex Valley Healthcare, Inc.) ("EVHI"), and together with EOGH, the "Debtors"), in support of his motion to for an order extending the time within which the Liquidating Trustee may file objections to claims (the "Motion"), by and through his counsel,

<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.

Trenk, DiPasquale, Della Fera & Sodono, P.C. (“Trenk DiPasquale”) respectfully states and alleges as follows:

### **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).

### **BACKGROUND**

2. 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”). [Dkt. No. 1].

3. On November 20, 2015, the Debtors filed a motion for the entry of an order authorizing and approving, among other things, the sale of substantially all of the Debtors’ assets free and clear of liens, claims, and encumbrances (the “Sale”) to Prospect EOGH, Inc. (“Prospect”) pursuant to the terms of the Amended and Restated Asset Purchase Agreement dated November 20, 2015 (the “Stalking Horse APA”). [Dkt. No. 57].

4. On November 23, 2015, the Office of the United States Trustee formed the Official Committee of Unsecured Creditors (the “Committee”). [Dkt. Nos. 81, 134].

5. On January 12, 2016, the Debtors conducted an action and, as a result, deemed Prospect’s bid the “highest and best” bid.

6. On January 20, 2016, the Court held a hearing to authorize the sale to Prospect pursuant to the terms of the Stalking Horse APA. On January 21, 2016, the Court entered an order approving the sale to Prospect. [Dkt. No. 330].

7. On February 24, 2016, Debtors obtained the necessary regulatory approvals pursuant to the Community Health Care Assets Protection Act (“CHAPA”).

8. The sale closed on February 29, 2016.

9. Thereafter, Debtors ceased all business operations.

10. On June 28, 2016, Debtors and the Committee filed their Joint Plan of Liquidation (“Plan”) and Disclosure Statement. [Dkt. Nos. 690 and 691, respectively].

11. After a series of supplemental filings, the Court entered an Order Confirming the Plan on August 25, 2016. [Dkt. No. 794].

12. On September 9, 2016, the Debtors filed a Notice declaring September 9, 2016 as the Effective Date of the Plan (the “Effective Date”). [Dkt. No. 803]

13. Pursuant to the terms of the Plan and Confirmation Order, Bernard A. Katz was appointed Liquidating Trustee and was charged with, among other things, liquidating the assets of the Debtors and making distributions to the Debtor’s unsecured creditors. See Plan Art. VI(C). Furthermore, the Plan expressly authorized the Liquidating Trustee to make and file objections to claims after the Effective Date. Id.

14. Pursuant to the Plan, the initial deadline for the Liquidating Trustee to file and serve objections to Claims (as defined in the Plan) was one-hundred-twenty (120) days after the Effective Date, through and including January 7, 2017 (the “Claims Objection Deadline”), unless otherwise extended by the Bankruptcy Court. See Plan Art. II(A)(20); Art. VIII(D).

**Extension of Time to Object To Claims**

15. On December 6, 2016, the Liquidating Trustee filed the *Motion of the Liquidating Trustee for Entry of an Order Granting An Extension of Time Within Which to File Objections to Claims* and which sought an extension of time for ninety (90) days to April 7, 2017. [Dkt. No. 879]. On December 29, 2016, the Court entered an Order extending the time to object to claims to April 7, 2017. [Dkt. No. 888].

**Omnibus Objections to Claims**

16. On January 27, 2017, the Liquidating Trustee filed the *Liquidating Trustee's First Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502(b) and Fed. R. Bankr. P. 3007(d)* [Dkt. No. 901] (the "First Omnibus Objection") and the *Liquidating Trustee's Second Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502(b) and Fed. R. Bankr. P. 3007(d)* [Dkt. No. 902] (the "Second Omnibus Objection").

17. On March 6, 2016, the Court entered an Order sustaining both the First Omnibus Objection and the Second Omnibus Objection. [Dkt. Nos. 918 and 919].

18. As set forth in the aforementioned paragraphs, the Liquidating Trustee has resolved numerous objections to claims and has continued to spend considerable time reviewing and reconciling the scheduled and filed claims in this case with the Debtors' books and records to determine which objections are appropriate. See Certification of Bernard A. Katz ("Katz Cert.") at ¶ 3.

**RELIEF REQUESTED**

19. By this Motion, the Liquidating Trustee requests entry of an order, extending the Claims Objection Deadline by ninety (90) days, through and including July 6, 2017.

**BASIS FOR RELIEF**

20. Article II(A)(20) of the Plan defines the Claims Objection Deadline as follows:

**“Claims Objection Deadline”** means one hundred twenty (120) days after the Effective Date or such later date as may be approved by the Bankruptcy Court.

21. 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). As discussed below, good and sufficient cause exists to extend the Claims Objection Deadline.

22. As stated in the Certification of Bernard A. Katz, submitted herewith, the Liquidating Trustee believes that cause exists to grant a ninety (90) day extension of the Claims Objection Deadline, and that such an extension is in the best interests of an orderly distribution to creditors. See Katz Cert. at ¶ 4.

23. Granting the requested extension will not prejudice any party-in-interest. Id. at ¶ 5.

24. As evidenced by the First Omnibus Objection and Second Omnibus Objection, the Liquidating Trustee has resolved numerous claims and objections and is working diligently to resolve all other outstanding issues. Id. at ¶ 3.

25. The additional extension of the Claims Objection Deadline will allow the Liquidating Trustee to continue his diligent review of claims. Id. at ¶ 6.

26. Moreover, the requested extension will also avoid the undesirable alternatives of hastily drafted “protective” objections which may provide unnecessary upon closer examination, or the allowance of claims which are in fact improper, to the detriment of holders of legitimate unsecured claims. Id. at ¶ 7.

27. Lastly, the Liquidating Trustee reserves the right to request further extensions of the Claims Objection Deadline should circumstances warrant.

**WAIVER OF MEMORANDUM OF LAW**

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

**NOTICE**

29. Notice of this Motion has been given to (i) the Office of the United States Trustee for the District of New Jersey; and (ii) 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 Liquidating Trustee respectfully submits that no other or further notice is required.



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

**TRENK, DiPASQUALE,  
DELLA FERA & SODONO, P.C.**  
*Counsel to Bernard A. Katz, Liquidating Trustee*

By:           /s/ Joseph J. DiPasquale            
JOSEPH J. DiPASQUALE

Dated: March 22, 2017

**TRENK, DiPASQUALE,  
DELLA FERA & SODONO, P.C.**

347 Mt. Pleasant Avenue, Suite 300  
West Orange, NJ 07052  
(973) 243-8600

Joseph J. DiPasquale, Esq.

Adam D. Wolper, Esq.

Franklin Barbosa, Jr., Esq.

[jdipasquale@trenklawfirm.com](mailto:jdipasquale@trenklawfirm.com)

[awolper@trenklawfirm.com](mailto:awolper@trenklawfirm.com)

[fbarbosa@trenklawfirm.com](mailto:fbarbosa@trenklawfirm.com)

*Counsel to Bernard A. Katz, Liquidating Trustee*

**UNITED STATES BANKRUPTCY COURT  
FOR THE 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)

Honorable Vincent F. Papalia, U.S.B.J.

Hearing Date and Time:

April 11, 2017 at 10:00 a.m.

**CERTIFICATION OF BERNARD A. KATZ, LIQUIDATING  
TRUSTEE, IN SUPPORT OF MOTION FOR ENTRY OF AN  
ORDER GRANTING EXTENSION OF TIME WITHIN  
WHICH TO FILE OBJECTIONS TO CLAIMS**

**BERNARD A. KATZ**, being of full age, hereby certifies as follows:

1. I am the Liquidating Trustee (the "Liquidating Trustee") for the estate of EOGH Liquidating, Inc. (f/k/a East Orange General Hospital, Inc.) ("EOGH") and EVHI Liquidation, Inc. (f/k/a Essex Valley Healthcare, Inc.) ("EVHI", and together with EOGH, the "Debtors").

<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, New Jersey 07018.

2. I submit this certification in support of the Liquidating Trustee's Motion for Entry of an Order Granting an Extension of Time Within Which to File Objections to Claims (the "Motion"). I have full knowledge of the facts set forth herein.

3. Since the date of my appointment and as evidenced by the First Omnibus Objection and Second Omnibus Objection, I have resolved numerous objections to claims and have continued to spend considerable time reviewing and reconciling the scheduled and filed claims in this case with the Debtors' books and records to determine which objections are appropriate.

4. I believe that extending the time within which to file objections to claims by ninety (90) days is in the best interests of an orderly distribution to creditors, as it will enable me to file claims objections as appropriate.

5. Granting the requested extension will not prejudice any party-in-interest.

6. The additional extension of the Claims Objection Deadline will allow me to continue my diligent review of claims.

7. The requested extension will also avoid the undesirable alternatives of hastily drafted "protective" objections which may provide unnecessary upon closer examination, or the allowance of claims which are in fact improper, to the detriment of holders of legitimate unsecured claims.

8. For the foregoing reasons, I respectfully request that the Court grant the Motion and enter the proposed Order submitted herewith.

I hereby certify that the above statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: March 22, 2017

By: /s/ Bernard A. Katz  
BERNARD A. KATZ

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-1

**TRENK, DiPASQUALE,  
DELLA FERA & SODONO, P.C.**  
347 Mt. Pleasant Avenue, Suite 300  
West Orange, NJ 07052  
(973) 243-8600  
Joseph J. DiPasquale, Esq.  
Adam D. Wolper, Esq.  
Franklin Barbosa, Jr., Esq.  
[jdipasquale@trenklawfirm.com](mailto:jdipasquale@trenklawfirm.com)  
[awolper@trenklawfirm.com](mailto:awolper@trenklawfirm.com)  
[fbarbosa@trenklawfirm.com](mailto:fbarbosa@trenklawfirm.com)  
*Counsel to Bernard A. Katz, Liquidating Trustee*

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: April 11, 2017

Hearing Time: 10:00 a.m.

**ORDER EXTENDING THE TIME WITHIN  
WHICH THE LIQUIDATING TRUSTEE  
MAY FILE OBJECTIONS TO CLAIMS**

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: In re EOGH Liquidation, Inc., f/k/a East Orange General Hospital, Inc., *et al.*  
Case No.: 15-31232 (VFP)  
Caption of Order: Order Extending the Time Within Which the Liquidating Trustee May File Objections to  
Claims

---

**THIS MATTER** having been presented to the Court by Bernard A. Katz, Liquidating Trustee (the “Liquidating Trustee”) for the estate of EOGH Liquidation, Inc. (f/k/a East Orange General Hospital, Inc.) (“EOGH”) and EVHI Liquidation, Inc. (f/k/a Essex Valley Healthcare, Inc.) (“EVHI”, and together with EOGH, the “Debtors”), through his counsel Trenk, DiPasquale, Della Fera & Sodono, P.C., upon the filing of a motion (the “Motion”) for entry of an order further extending the time within which the Liquidating Trustee may file objections to claims (the “Claims Objection Deadline”) for an additional ninety (90) days, through and including July 6, 2017; 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 the Liquidating Trustee’s 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 an orderly distribution to 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 deadline by which the Liquidating Trustee must file and serve objections to Claims (as defined in the Plan) is extended by ninety (90) days through and including July 6, 2017, without prejudice to the Liquidating Trustee’s right to seek further extensions of time.
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.

(Page 3)

Debtors: In re EOGH Liquidation, Inc., f/k/a East Orange General Hospital, Inc., *et al.*  
Case No.: 15-31232 (VFP)  
Caption of Order: Order Extending the Time Within Which the Liquidating Trustee May File Objections to  
Claims

---

4. The Liquidating Trustee is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

5. This Order is effective immediately upon entry.

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.

4850-8564-0773, v. 1