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Burton S. Weston
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Hearing Date: July 23, 2018 at 10:00 a.m. (Prevailing Eastern Time)
Objection Deadline: July 16, 2018 at 4:00 p.m. (Prevailing Eastern Time)

Counsel for the Estates and the Plan Administrator

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

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In re:

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

Chapter 11
Case No. 13-22840 (RDD)

Debtors.

(Jointly Administered)

-----X

**NINTH MOTION OF THE PLAN ADMINISTRATOR FOR ENTRY OF AN ORDER
EXTENDING THE DEADLINE TO FILE OBJECTIONS TO PROOFS OF CLAIM**

Monica Terrano, the Plan Administrator appointed in these cases, by and through her counsel, Garfunkel Wild, P.C., hereby submits this ninth motion (the “Motion”) to extend the deadline to object to the allowance of Administrative/Priority Claims, Secured Claims, and Unsecured Claims¹ (the “Claims Objection Deadline”) for a period of approximately 180 days through and including December 26, 2018. In support of the Motion, the Plan Administrator respectfully states as follows:

BACKGROUND

1. On May 29, 2013 (the “Petition Date”), the Debtors filed with this Court voluntary petitions for relief under chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”). Pursuant to §§ 1107 and 1108 of the Bankruptcy Code, the Debtors

¹Unless otherwise defined, capitalized terms used herein have the meanings ascribed to them in the Plan (as defined below).

continue to administer their affairs. An official committee of unsecured creditors (the “Committee”) was appointed on June 10, 2013 by the Office of the United States Trustee.

2. The factual background relating to the commencement of these Chapter 11 cases is set forth in detail in the *Affidavit of John Spicer Pursuant to Local Bankruptcy Rule 1007-2 and in Support of the First Day Motions* [Docket No. 18], filed on the Petition Date and incorporated herein by reference.

3. On November 5, 2014, this Court entered an order (the “Confirmation Order”) [Docket No. 908] confirming the Debtors’ first amended plan of liquidation, dated September 17, 2014 (the “Plan”) [Docket No. 821]. 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 Debtors’ estates (the “Estates”).

4. The Effective Date of the Plan was November 26, 2014. Pursuant to Section 9.1 of the Plan, the Plan Administrator was authorized to object to Unsecured Claims for up to one hundred eighty (180) days after the Effective Date and to Administrative/Priority Claims and Secured Claims at the later of 60 days from the Effective Date or such date as established by the Court (collectively, the “Objection Deadlines”). Approximately 1700 Unsecured Claims and 800 Administrative, Priority, and Secured Claims were filed against the Estates.

5. The Objection Deadlines have since been extended by subsequent Orders of the Court, and have most recently been extended to June 27, 2018 by Order of this Court dated January 29, 2018 [Docket No. 1505].

6. After diligently reviewing and reconciling all remaining claims against the Debtors’ books and records, the Plan Administrator has filed twenty-two omnibus objections

pertaining to the claims [Docket Nos. 1011, 1013, 1015, 1135, 1136, 1137, 1138, 1139, 1140, 1259, 1260, 1261, 1262, 1263, 1299, 1329, 1338, 1386, 1445, 1446, 1447, and 1448], as well as numerous individual objections where appropriate, and has consequently resolved numerous objectionable claims.

7. As a result of these efforts, the Plan Administrator was able to satisfactorily reconcile the claims register, establish reserves for a small number of outstanding disputed claims, and make an initial distribution to general unsecured creditors. The Plan Administrator is engaged in ongoing discussion with the holders of the outstanding disputed claims and remains hopeful that consensual agreements can be reached resolving such claims. Nevertheless, the Plan Administrator is seeking an extension of the Claims Objection Deadline in order to ensure that, should negotiations prove unsuccessful, appropriate objections may be filed.

JURISDICTION

8. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(2)(A), (B), and (O). Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

RELIEF REQUESTED

9. By this Motion, the Plan Administrator seeks entry of an order extending the Claims Objection Deadline for an additional approximately 180 day period, through and including December 26, 2018, without prejudice to the rights of the Plan Administrator to seek further extensions of the Claims Objection Deadline.

10. As previously outlined for the Court, the Plan Administrator has completed the process of comparing her working books and records with the official claims register to ensure that all claims have been reviewed and that the Debtors' internal records match the official

claims register. While the Plan Administrator has completed that reconciliation process, certain additional disputed claims still exist.

11. In that regard, the Plan Administrator, the Committee, and their respective counsel have engaged the claimants, or their counsel, for substantially all, if not all, of those claims in attempt to reach a consensual resolution of such claims. Notwithstanding the foregoing, the Plan Administrator does not believe that the outstanding objectionable claims will be resolved by the existing Claims Objection Deadline. In the event the Plan Administrator ultimately determines that such claims cannot be resolved consensually, she will likely have to file an objection to such claims, thereby requiring the relief sought in this motion.

12. Accordingly, the Plan Administrator requests an extension of the deadline to object to remaining unliquidated and/or objectionable Administrative/Priority Claims, Secured Claims, and Unsecured Claims through and including December 26, 2018 to allow additional time to reconcile and resolve all such remaining objectionable claims and, to the extent necessary, file any required objections with the Court.

BASIS FOR RELIEF REQUESTED

13. Section 105(a) of the Bankruptcy Code provides that “the court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code].” 11 U.S.C. § 105(a).

14. Bankruptcy Rule 9006(b) provides that the court may extend unexpired time periods, such as the Claims Objection Deadline, without 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).

15. In addition, under Section 9.1 of the Plan, “[t]he filing of a motion to extend the deadline to object to any Claims shall automatically extend such deadline until a Final Order is entered on such motion.” As such, the Claims Objection Deadline shall be automatically extended until a Final Order is entered on this Motion.

16. The Plan Administrator submits that cause exists to grant the extension sought herein. Approximately 2,500 proofs of claim have been filed against the Debtors’ estates. As indicated above, the Plan Administrator has (i) filed twenty-two (22) non-substantive omnibus claim objections by which she has objected to over 800 claims, (ii) established reserves for the small number of outstanding disputed claims that remain, and (iii) made an initial distribution to general unsecured creditors.

17. The Plan Administrator is engaged in ongoing discussion with the holders of the outstanding disputed claims and remains hopeful that consensual agreements can be reached resolving such claims. Nevertheless, the Plan Administrator is seeking an extension of the Claims Objection Deadline in order to ensure that, should negotiations prove unsuccessful, appropriate objections may be filed.

18. For the foregoing reasons, the Plan Administrator submits that extending the Claims Objection Deadline through and including December 26, 2018, is necessary, prudent, and in the best interests of creditors and the Debtors’ Estates.

NOTICE

19. Notice of this Motion will be given by mailing a copy of this Motion and the proposed order to (i) the United States Trustee and (ii) counsel for the Post Effective Date Committee. Entities who have filed a notice of appearance in accordance with Bankruptcy Rule 2002 shall receive notice through ECF. The Plan Administrator respectfully submits that such

notice is sufficient, and requests that, except as provided herein, the Court find that no further notice of the relief requested herein is required.

NO PREVIOUS REQUEST

20. No previous request for the relief sought herein has been made to this or any other Court.

WHEREFORE, the Plan Administrator respectfully request that the Court enter an order substantially in the form annexed hereto as Exhibit A granting the relief requested herein and such other and further relief as the Court may deem just and proper.

Dated: Great Neck, New York
June 26, 2018

GARFUNKEL WILD, P.C.

Counsel for the Estates and the Plan Administrator

By: /s/ Adam T. Berkowitz
Burton S. Weston
Adam T. Berkowitz
111 Great Neck Road
Great Neck, NY 11021
Telephone: (516) 393-2200
Facsimile: (516) 466-5964

Exhibit A

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

-----X
In re:

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

Chapter 11
Case No. 13-22840 (RDD)

Debtors.

(Jointly Administered)

-----X
**ORDER GRANTING NINTH MOTION OF THE PLAN ADMINISTRATOR FOR
ENTRY OF AN ORDER EXTENDING THE DEADLINE TO
FILE OBJECTIONS TO PROOFS OF CLAIM**

THIS MATTER having come before the Court upon the motion of the Plan Administrator appointed in these cases (the “Motion”)¹ for entry of an order extending the deadline to object to the allowance of Administrative/Priority Claims, Secured Claims, and Unsecured Claims (the “Claims Objection Deadline”); after due and sufficient notice of the Motion; and no objections having been filed; and a certificate of no objection having been filed by the Plan Administrator on __, 2018; and the Court having found that: (a) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334; (b) this matter is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A), (B), and (O); (c) venue is lying properly with this Court pursuant to 28 U.S.C. §§ 1408 and 1409; (d) the relief requested in the Motion is in the best interests of the Debtors’ estates and their creditors; (e) proper and adequate notice of the Motion and the hearing thereon has been given and that no other or further notice is necessary; and upon the record herein after due deliberation thereon, good and sufficient cause exists for the granting of the relief as set forth herein, it is hereby:

¹ Unless otherwise defined, capitalized terms used herein shall have the meanings ascribed to them in the Motion.

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is GRANTED in its entirety.
2. The Claims Objection Deadline is extended through and including December 26, 2018, without prejudice to the rights of the Plan Administrator to seek further extensions of the Claims Objection Deadline.

Dated: __, 2018
White Plains, New York

HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE

Hearing Date: July 23, 2018 at 10:00 a.m. (Prevailing Eastern Time)
Objection Deadline: July 16, 2018 at 4:00 p.m. (Prevailing Eastern Time)

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Adam T. Berkowitz

Counsel for the Estates and the Plan Administrator

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

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In re:

SOUND SHORE MEDICAL CENTER OF
WESTCHESTER, et al.

Chapter 11
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**NOTICE OF NINTH MOTION OF THE PLAN
ADMINISTRATOR FOR ENTRY OF AN ORDER EXTENDING
THE DEADLINE TO FILE OBJECTIONS TO PROOFS OF CLAIM**

PLEASE TAKE NOTICE, that Monica Terrano, the Plan Administrator appointed in the above-captioned cases, filed a motion (the "Motion") seeking the entry of an order extending the Plan Administrator's deadline to object to the allowance of Administrative/Priority Claims, Secured Claims, and Unsecured Claims for a period of approximately 180 days through and including December 26, 2018.

PLEASE TAKE NOTICE, that a hearing on the Motion 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 23rd day of July 2018 at 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 Motion 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 Motion 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., and Adam T. Berkowitz, Esq., counsel to the Plan Administrator; (ii) Farrell Fritz, P.C., 622 Third Avenue, Suite 37200, New York, New York 10017 Attention: Martin G. Bunin, Esq., counsel to the Post Effective Date Committee; and (iii) the Office of the United States Trustee, 201 Varick Street, Room 1006, New York, New York 10014, Attention: Susan Golden, Esq., so as to be received by all such parties no later than July 16, 2018 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 Motion may be granted without further notice.

Dated: June 26, 2018
Great Neck, New York

GARFUNKEL WILD, P.C.

Counsel for the Estates and the Plan Administrator

By: /s/ Adam T. Berkowitz
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