

Hearing Date: July 10, 2020 at 10:00 a.m. (Prevailing Eastern Time)
Objection Deadline: July 6, 2020 at 4:00 p.m. (Prevailing Eastern Time)

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**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

**THIRTEENTH 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 thirteenth 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 120 days through and including September 28, 2020. In support of the Motion, the Plan Administrator respectfully states as follows:

SUMMARY OF RELIEF REQUESTED

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

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

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, 1448, and 1550], as well as numerous individual objections where appropriate, and has consequently resolved numerous objectionable claims. As a result of these efforts, the Plan Administrator was able to satisfactorily reconcile the claims register and make both an initial and what the Plan Administrator believes to be a final distribution to general unsecured creditors.

2. Accordingly, the Plan Administrator does not anticipate the need to file any additional objections. Since the final distribution was issued, the Plan Administrator has been working to locate valid addresses for creditors whose distributions were returned as undeliverable in accordance with the terms of the Plan. While valid addresses for some creditors were located and enough time has passed that the Plan Administrator could cease these efforts and move to conclude these Cases, the Plan Administrator wishes to ensure that as many returned distributions as possible reach creditors. While the Plan Administrator continues to attempt to locate valid addresses for those creditors whose distributions have been returned, the Plan Administrator, out of an abundance of caution, is seeking an extension of the Claims Objection Deadline should further objections prove necessary prior to the closing of these Cases.

BACKGROUND

3. 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 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.

4. 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.

5. 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”).

6. 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.

7. The Objection Deadlines have since been extended by subsequent Orders of the Court, and have most recently been extended to May 29, 2020 by Order of this Court dated December 18, 2019 [Docket No. 1616].

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 a period of approximately 120 days through and including September 28, 2020.

10. As of the filing of this Motion, the Plan Administrator believes that all of those outstanding issues which may necessitate the filing of objections to claims have been resolved. Since the final distribution was issued, the Plan Administrator has been working to locate valid addresses for creditors whose distributions were returned as undeliverable in accordance with the terms of the Plan. While the Plan Administrator was able to locate valid addresses for some creditors, and the enough time has passed that the Plan Administrator could cease these efforts and move to conclude these Cases, the Plan Administrator wishes to ensure that as many returned distributions as possible reach creditors. While the Plan Administrator continues to attempt to locate valid addresses for those creditors whose distributions have been returned, the Plan Administrator, out of an abundance of caution, is seeking an extension of the Claims Objection Deadline should further objections prove necessary prior to the closing of these Cases.

11. 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 September 28, 2020.

BASIS FOR RELIEF REQUESTED

12. 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).

13. 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).

14. 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.

15. 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-three (23) non-substantive omnibus claim objections by which she has objected to over 800 claims, (ii) filed numerous individual objections, and (iii) has made both an initial and what the Plan Administrator believes to be a final distributions to general unsecured creditors.

16. As stated above, the Plan Administrator believes that, as of the filing of this Motion, outstanding issues, which may require the filing of objections to Claims, have been resolved. Section 5.19 of the Plan provides that undeliverable and unclaimed distributions “become Unclaimed Property at the expiration of one hundred eighty (180) days from the date such distributions was originally made.” Unclaimed property is either reallocated “for the benefit of all other holders of Allowed Claims” or, if the administrative costs of making another distribution effectively interfere with distribution, donated to the American Bankruptcy Institute Endowment Fund, subject to the approval of the Post Effective Date Committee. (Plan, § 5.19)

17. While more than 180 days have passed since the final distribution was issued, and the Plan Administrator has complied with all her obligations under the Plan with respect to distributions that were returned as undeliverable, the Plan Administrator would like to continue, for a short period of time, to attempt to locate valid addresses for creditors whose distributions were returned. Accordingly, given this goal, the Plan Administrator is seeking to extend the Claims Objection Deadline approximately 120 days in the unlikely event that any issues arise prior to the time when the Plan Administrator is able to conclude these Cases.

18. For the foregoing reasons, the Plan Administrator submits that extending the Claims Objection Deadline through and including September 28, 2020, 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 requests 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
May 29, 2020

GARFUNKEL WILD, P.C.

Counsel for the Estates and the Plan Administrator

By: /s/ Adam T. Berkowitz
Burton S. Weston, Esq.
Adam T. Berkowitz, Esq.
111 Great Neck Road
Great Neck, NY 11021
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Exhibit A

**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
**ORDER GRANTING THIRTEENTH 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 hearing having been held on July 10, 2020; 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 September 28, 2020, without prejudice to the rights of the Plan Administrator to seek further extensions of the Claims Objection Deadline.

Dated: _____, 2020
White Plains, New York

HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE

Hearing Date: July 10, 2020 at 10:00 a.m. (Prevailing Eastern Time)
Objection Deadline: July 6, 2020 at 4:00 p.m. (Prevailing Eastern Time)

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

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In re:

SOUND SHORE MEDICAL CENTER OF
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Chapter 11
Case No. 13-22840 (RDD)

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**NOTICE OF THIRTEENTH 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")¹ 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 through and including September 28, 2020.

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 10th day of July 2020 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.

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

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 6, 2020 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: Great Neck, New York
May 29, 2020

GARFUNKEL WILD, P.C.

Counsel for the Estates and the Plan Administrator

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