

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

WOODBRIIDGE GROUP OF COMPANIES,  
LLC, et. al.,

Debtors.

Chapter 11

Case No. 17-12560 (KJC)

(Jointly Administered)

**Hearing Date:**  
**December 19, 2018 at 2:00 p.m. (ET)**

**Objection Deadline:**  
**December 11, 2018 at 4:00 p.m. (ET)**

**Re: Dkt. No. 3068**

**INTERESTED PURCHASER’S OBJECTION TO DEBTORS’ MOTION FOR ENTRY  
OF AN ORDER (I) AUTHORIZING THE SALE OF 4030 MADELIA AVE., SHERMAN  
OAKS, CALIFORNIA PROPERTY OWNED BY THE DEBTORS FREE AND CLEAR  
OF LIENS, CLAIMS, ENCUMBRANCES, AND OTHER INTERESTS; (II) APPROVING  
THE RELATED PURCHASE AGREEMENT; AND (III) GRANTING  
RELATED RELIEF**

Interested Purchaser Blake J. Lindemann (“Interested Bidder”), by and through his undersigned counsel, respectfully submits this objection (the “Objection”) to *Debtors’ Motion for Entry of an Order (I) Authorizing the Sale of 4030 Madelia Ave., Sherman Oaks, California Property Owned by the Debtors Free and Clear of Liens, Claims, Encumbrances, and Other Interests; (II) Approving the Related Purchase Agreement; and (III) Granting Related Relief* (the “Motion”)[D.I. 3068], to be considered as bidder of 4030 Madelia Ave., Sherman Oaks, CA 91403 (“Property”) D.N. 3068. In support of the Objection, the Interested Bidder respectfully states as follows:

1. Interested Bidder is a California attorney. Interested Bidder has sought to bid on the Property, but the proponents of the sale have shown no interest in considering a higher and

better offer for Property by Interested Bidder. Specifically, when Interested Bidder's broker contacted the Debtor's agent in October, Interested Bidder was told there was already an offer.

2. Interested Bidder has concerns with how the sales process of this Property and other valuable properties recently sought for sale before this Court have been marketed and sold, and specifically, the involvement of parties that have a conflict. Interestingly, after each offer is accepted, a significant price reduction is given after legitimate interested parties are stymied. None of the sales are subject to overbid, and the timing of these sales under short time frames after certain creditor consensus was achieved, is concerning. The sales were also timed around the Holidays making participation difficult. The Hugo Property in Beverly Hills is being sold at an amount far below fair market value. Interested Bidder has other information bearing on the legitimacy of the sale process of this and other properties, but would prefer to focus this objection on being given the opportunity to participate.

3. Interested Bidder was only told he would not be considered as a purchaser on December 12, 2018, despite showing interest some time ago. Thus, Interested Bidder respectfully requests this Court's indulgence in submitting this Objection on December 13, 2018.

4. Interested Bidder is prepared to bid significantly in excess of the Purchase Price for Real Property. Interested Bidder offers to pay all cash, with no contingencies, and requires no inspection. Interested Bidder requests the opportunity to bid in a reasonable increment above the purchase price of \$700,000. The value of Property is significantly in excess of \$700,000. The Property could result in a purchase price higher than \$1.2 million if properly marketed.

5. A fiduciary has the duty to maximize the value of the estate. *Commodity Futures Trading Comm'n v. Weintraub*, 471 U.S. 343, 353 (1985). "It is a well-established principle of bankruptcy law that the objective of bankruptcy rules and the [Debtor in possession's] duty with

respect to such [363] sales is to obtain the highest price or greatest overall benefit possible for the estate.” *Off. Comm. of Subordinated Bondholders v. Integrated Res., Inc. (In re Integrated Res., Inc.)*, 147 B.R. 650, 659 (S.D.N.Y. 1992); *see also In re Broadmoor Place Invs., L.P.*, 994 F.2d 744, 746 (10th Cir. 1993) (holding that a bankruptcy court “does have the power to disapprove a proposed sale recommended by a [Trustee] if it has an awareness there is another proposal in hand which, from the estate’s point of view, is better or more acceptable”).

6. The paramount goal in any proposed sale of property of the estate is to maximize the proceeds received by the estate. *In re Mushroom Trans. Co., Inc.*, 382 F.3d 325, 339 (3d Cir. 2004). To that end, courts will approve bid procedures when they are designed to maximize the value of the estate. *See In re Calpine Corp. v. O’Brien Envl. Energy, Inc. (In re O’Brien Envl. Energy)*, 181 F.3d 527, 535-37 (3d Cir. 1999); *In re Dura Auto. Sys., Inc.*, Case No. 06-11202, 2007 WL 7728109 at \*90 (Bankr. D. Del. Aug. 15, 2007) (“Bidding procedures should be approved when they provide a benefit to the estate by maximizing the value of the assets”). Generally stated, bidding procedures in the context of bankruptcy sales should enhance competitive bidding. *See In re Dura Auto. Sys.*, 2007 WL 7728109 at \*90.

7. Interested Bidder is willing to deposit a full cash purchase price greater than the amount of the current cash price in escrow and sign any necessary purchase agreement on behalf of himself, and/or nominees. Pursuant to the above authority, this is a higher and better offer that the sale proponents should consider. Since this higher and better offer is in hand, it should be considered and Interested Bidder requests leave to intervene as a bidder, and that the Court consider a higher and better sales price at the time of the hearing on this Motion.

9. WHEREFORE, Interested Bidder requests that the Court permit an overbid on Property at the time and place of the hearing on the Sale Motion. Interested Bidder proposes to bid in increments of \$30,000 above the current sales price until the Property is sold.

Dated: December 13, 2018

GELLERT SCALI BUSENKELL & BROWN, LLC

/s/ Michael Busenkell

Michael Busenkell (DE 3933)  
1201 N. Orange Street, Suite 300  
Wilmington, DE 19801  
Telephone: 302-425-5812  
Email: [mbusenkel@gsbblaw.com](mailto:mbusenkel@gsbblaw.com)

*Attorneys For Interested Bidder*  
*Blake J. Lindemann*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 13, 2018, I cause to be served a true and correct copy of the foregoing *Interested Purchaser's Objection to Debtors' Motion for Entry of an Order (I) Authorizing the Sale of 4030 Madelia Ave., Sherman Oaks, California Property Owned by the Debtors Free and Clear of Liens, Claims, Encumbrances, and Other Interests; (II) Approving the Related Purchase Agreement; and (III) Granting Related Relief* via the Court's CM/ECF system and via electronic mail to the parties below:

Sean M. Beach, Esq.  
Edmon L. Morton, Esq.  
Ian J. Bambrick, Esq.  
Betsy L. Feldman, Esq.  
YOUNG CONAWAY STARGATT &  
TAYLOR, LLP  
Rodney Square  
1000 North King Street  
Wilmington, DE 19801

Kenneth N. Klee, Esq.  
Michael L. Tuchin, Esq.  
David A. Fidler, Esq.  
Jonathan M. Weiss, Esq.  
KLEE,  
TUCHIN, BOGDANOFF & STERN LLP  
1999 Avenue of the Stars, 39th Floor  
Los Angeles, California 90067

Dated: December 13, 2018

/s/ Michael Busenkell  
Michael Busenkell (DE 3933)