

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

In re:

Hudson 1701/1706, LLC, et al.,  
  
Debtors.

Chapter 11

Case No. 25-11853 (KBO)

(Joint Administration Requested)

Related Docket No. 18

**OBJECTION BY ALBERTO SMEKE SABA AND SALOMON SMEKE SABA TO  
EMERGENCY MOTION OF THE DEBTORS FOR ENTRY OF AN ORDER  
AUTHORIZING THE DEBTORS TO CONDUCT RULE 2004 EXAMINATIONS**

Alberto Smeke Saba and Salomon Smeke Saba (collectively, the “Smekes”), by and through their undersigned counsel, object (the “Objection”) to the Debtors’<sup>1</sup> emergency motion seeking to conduct Rule 2004 examinations of the Smekes [D.I. 18] (the “2004 Motion”), including, without limitation, the unfounded emergency basis for such relief, and state as follows:

1. Without factual or contractual support for such relief, and ignoring the mutual releases contained the Settlement Agreement, the Debtors seek overly broad discovery relief returnable in an unreasonable timeframe, notwithstanding counsel for the Smekes having repeatedly informed Debtors’ counsel, via written and oral communications, that such responses were being voluntarily prepared. In fact, Debtors’ counsel confirmed such exchanges in the declaration they filed with the Court in support of the 2004 Motion [D.I. 18-2] (the “DLA Declaration”). See emails attached as exhibits to the DLA Declaration.

2. With respect to the facts supporting such relief, the Debtors misinform this Court about the history of the parties’ discovery interactions. First, the July 25<sup>th</sup> discovery letter (attached as Exhibit 2 to the DLA Declaration) was not issued by the Debtors but by the then newly formed

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings set forth in the 2004 Motion.



and sole managing member of the Debtors, PV Hudson,<sup>2</sup> in connection with the UCC Sale then completed by the Debtors' lender, Parkview. Moreover, such informal discovery requests became moot shortly thereafter as a result of the execution and closing of the Settlement Agreement pursuant to the terms therein. Specifically, Section 5 of the Settlement Agreement provides for mutual releases that (a) are between the Parkview and the Smekes, including, among others, their respective "*assigns ..., subsidiaries, affiliates, partners (known or unknown)*", and (b) address, among other things, "*all claims, demands, ... agreements, promises, and debts, of every kind and character, whether asserted or unasserted....*" See Settlement Agreement, ¶5 (emphasis added).

3. Second, following such July 25<sup>th</sup> letter, no further discovery discussions or requests were undertaken or communicated by and among the Smekes, the Debtors, PV Hudson, Parkview or their respective counsel until Debtors' counsel sent the October 23, 2025 (the "October 23 Letter", attached to the DLA Declaration as Exhibit 3), one day following the Debtors' commencement of these bankruptcy cases.

4. The October 23 Letter was not addressed to the Smekes nor any entity owned or controlled thereby. Rather, the October 23 Letter was addressed to Robert Salame and David Rownd of Vedder Price P.C., without any mention of or request for the demands included therein to relay the requests to any other parties.

5. Shortly after receiving the October 23 Letter, Smekes' counsel began discussions with Debtors' counsel despite the unjustified threats contained therein relating to the 2004 Motion, including the unreasonable demand for the production of a substantial amount of documentation and information in only five (5) calendar days. See DLA Declaration, ¶3. Despite such ongoing communications between counsel, written confirmation that the Smekes would produce relevant

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<sup>2</sup> Parkview is the 100% owner of PV Hudson, the current and sole managing member of the Debtors.

information the following day (which was only two (2) calendar days following the date upon which Debtors counsel actually requested information from the Smekes), and the lack of any substantive filings in the Debtors' bankruptcy cases, Debtors' counsel filed the 2004 Motion.

6. So where are the exigent circumstances that warrant such expedited relief they now seek? Their 2004 Motion fails to set forth any evidentiary support for such exigency, only erroneously claiming that "*the Debtors have been requesting books and records from [the Smekes] since July 25, 2025 ... and the Smekes ...have failed to provide the requested information.*" As discussed above, nothing could be farther from the truth. In fact, on Friday afternoon, October 31<sup>st</sup>, consistent with counsel's prior communications, the Smekes provided Debtors' counsel with over 650 files and other documentation responsive to their unwarranted demands. See email communications attached hereto as Exhibit A.

7. Based on the above, there is no justifiable reason for this Court to grant Debtors' 2004 Motion, especially pursuant to the overbroad subpoenas attached thereto and in the unreasonable timeframe demanded pursuant to the proposed order (i.e., "*five (5) calendar days of the date of entry of this Order.*"). See 2004 Motion, Exhibit A. The Smekes are entitled to have a fair opportunity and reasonable timeframe to respond, address any unreasonable demands, and if those demands cannot then be resolved between the parties, come back before this Court, on appropriate notice and opportunity, to explain their position.

8. At the same time, the Debtors have failed to explain to this Court why they do not have any of the information and documentation they seek from the Smekes given, among other things, that (a) PV Hudson has been the owner of the Debtors (and the real property at issue) for more than three months, (ii) Parkview, the lender to such real property since May, 2022, has had

access to such documentation and information pursuant to the applicable loan documents, and (iii) Parkview is the 100% owner of PV Hudson, the sole managing member of the Debtors.

9. Lastly, we wish to bring to the attention of the Court and the Office of the US Trustee our concern about potentially conflicting representations of DLA Piper LLP (US) given that they: (i) have been Parkview's longtime counsel in their role as secured lender to the Debtors and it is unclear whether they remain Parkview's advisor,<sup>3</sup> and if not when did that representation end and under what terms; (ii) on information and belief, continue to be counsel to PV Hudson, Debtors' sole managing member that is owned by Parkview; (iii) on information and belief, continue to be counsel to Parkview in connection with its loan portfolio administration; and (iv) seek to be special counsel to the Debtors, with the same attorneys representing the Debtors who have long represented Parkview (and recently PV Hudson) against these Debtors and the Smekes. To date, there have been no filings with this Court explaining such potential conflicts, nor any proposed walls that may be necessary given the history of representations and given that the Smekes are creditors of these Debtors, such concerns warrant explanation.

WHEREFORE, for the foregoing reasons, the Smekes respectfully request that the Court enter an order (A) sustaining this Objection, (B) denying the 2004 Motion, and (C) granting the Smekes such further relief as may be just and proper.

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<sup>3</sup> We are aware of the notice of appearance filed on Friday by Hogan Lovells US LLP.

November 2, 2025  
Wilmington, Delaware

**WOMBLE BOND DICKINSON (US) LLP**

/s/ Matthew P. Ward

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Wilmington, Delaware 19801  
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-and-

**VEDDER PRICE P.C.**

Michael L. Schein, Esq. (pending *pro hac vice*)  
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*Counsel to Alberto Smeke Saba and  
Salomon Smeke Saba*

**EXHIBIT A**



October 31, 2025

**BY E-MAIL**

**DLA Piper LLP (US)**

1201 North Market Street, Suite 2100

Wilmington, Delaware

Attn: Stuart Brown

Email: [stuart.brown@us.dlapiper.com](mailto:stuart.brown@us.dlapiper.com)

Re: Response to Request for Information

Dear Mr. Brown:

This letter follows up on my email of Thursday, October 30, 2025, at 5:44 p.m. Unless otherwise defined herein, all capitalized terms have the meanings assigned to them in your colleague Neal Kronley's letter to me and David Rownd dated October 23, 2025 (the "DLA Letter").

As previously noted, while we do not concede that Alberto Smeke Saba or Salomon Smeke Saba (collectively, the "Smekes") are obligated to produce the information requested in the DLA Letter, the Smekes are nevertheless providing certain information voluntarily, as a professional courtesy and without prejudice to any of their rights, objections, or privileges. The information is being provided solely as an accommodation, and in the form in which it presently exists in the Smekes' possession, without representation or warranty as to its accuracy, completeness, or sufficiency. Nothing contained herein should be construed as an admission of any kind, a waiver of any right, privilege, or protection, or a modification of any position previously stated or that may hereafter be asserted.

For convenience, we have reproduced below each of the requests from the DLA Letter, followed by the Smekes' corresponding responses and, where applicable, links to relevant documents.

1. Provide all books and records of Pledgor, including those pertaining to the SRO Tenants
  - Please see letter from Bernath and Rosenberg, P.C., attached hereto as Exhibit A.
2. Provide all financial statements (whether audited or unaudited), income statements, balance sheets, federal and state tax returns, and other financial documents of the Debtors.
  - [Hudson 1701/1702/1706 Balance Sheet](#)
  - [Hudson 1701/1702/1706 General Ledger](#)
  - [Income Statement 1701/1706](#)
  - [Income Statement 1702](#)
3. Provide all contracts, agreements, leases, construction contracts, service and maintenance agreements, supply agreements, license agreements, utility agreements, warranties, guaranties, understandings and arrangements entered into between either Debtor and any entity, including any property management contracts, leases, etc., and any amendments or modifications thereto

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(collectively “Agreements”), and any other material documents and correspondence relating to such Agreements, including any notices of claims, demands or defaults.

- [Professional Contracts](#)
- [Third Party Reports](#)
- [Elysium GMP](#)
- [Elysium Org Chart](#)
- [Local Law 11](#)
- [Property Management Agreement](#)
- [Access Agreements](#)
- [Condo Market Reports](#)
- [Deed](#)
- [Slip and Fall Case](#)
- [Mold Report](#)
- [Leasing Brokers](#)
- [Gardiner and Thiebald](#)
- [Hotel Management Proposals](#)
- [The Malin Proposal](#)

4. Provide all Federal, state and local governmental permits, licenses, approvals and consents in connection with the Debtor’s operations and the Property.

- [All Construction Filings](#)
- [Permits](#)
- [Construction Plans](#)
- [Club Studio](#)
- [FDNY Approved Plans](#)
- [FDNY Permits](#)
- [Chiller Removal](#)
- [Water Test Results](#)
- [Sprinkler Plans](#)
- [ACP 8](#)
- [Boiler Removal](#)
- [Certificate of Capital Improvements](#)





- [Community Board](#)
5. Provide possession of all servers and passwords to email accounts owned or controlled by the Debtors.
    - N/A – There are no email accounts or servers owned by Debtors.
  6. Provide the Debtors with access to all bank accounts in the Debtors' names and take all steps to cause the Debtors' current management to be signatory on all such bank accounts.
    - N/A – there are no bank accounts, to which the Smekes have access, that are currently open in the name of Debtors.
  7. Identify which account SRO rents are paid into, and account for all rents paid since July 25, 2025.
    - The Smekes do not have access to this information. The Smekes understand that Ms. Denise Cruz, a Parkview employee manages collections for the SRO tenants and has been since July 25, 2025.
  8. Provide the Debtors with copies of all books and accounts of the Debtors and other records for the Property and the improvements thereon.
    - [Elysium Financials](#)
    - [Change Orders](#)
    - [Purchase Orders](#)
    - [CM Agreement](#)
    - [LAF Work Letter](#)
    - [GMP Buyouts](#)
  9. Provide a list of all of the current SRO Tenants, their contact information, and copies of all related leases and other agreements.
    - [SRO Rent Roll](#)
    - [All SRO Tenant Files](#)

The Smekes expressly reserve all rights, privileges, and protections, whether arising under contract, statute, common law, or otherwise, including without limitation all attorney–client, work-product, joint-defense, and other applicable privileges. By providing the information contained herein, the Smekes do not waive, and expressly preserve, all objections and defenses in this matter, including as to jurisdiction, venue, standing, discovery scope, or any other procedural or substantive issue. Nothing contained in this correspondence shall be deemed or construed as an admission, agreement, or waiver of any kind.



Please feel free to reach out to me directly by phone at 212.407.6941 or by email at [rsalame@vedderprice.com](mailto:rsalame@vedderprice.com) with any questions or concerns.

Sincerely,

Vedder Price P.C.

By: /s/ Robert Salame  
Robert Salame



EXHIBIT A

(Letter from Bernath and Rosenberg)

[See Attached]



October 31, 2025

**Re: Hudson 1701/1706, LLC and Hudson 1702, LLC**  
**CSC Hudson LLC**  
**CSC Holdings LLC**

To Whom it May Concern:

We are the Certified Public Accountants for subject LLC and have been requested to address the portion of the Demand Letter dated October 23, 2025 pertaining to its tax returns.

CSC Holdings LLC is a multi-asset entity that holds numerous investments and assets beyond its prior membership interests in Hudson 1701/1706 LLC and Hudson 1702 LLC. As a partnership, CSC Holdings LLC files an annual U.S. Return of Partnership Income (Form 1065) with the Internal Revenue Service, which consolidates and captures the financial activity, assets, and operations of all its holdings, including Hudson 1701/1706 LLC and Hudson 1702 LLC. Due to confidentiality obligations and professional standards governing the disclosure of client tax information, neither we nor CSC can provide a copy of its tax return or related schedules.

Should you have any questions or if I can be of any assistance, please feel free to call at 212-221-1140.

Sincerely,  
BERNATH & ROSENBERG, P.C.

A handwritten signature in blue ink that reads 'Nathan Wilamowsky'.

Nathan Wilamowsky  
Certified Public Accountant  
:sb

**CERTIFICATE OF SERVICE**

I, Matthew P. Ward, do hereby certify that, on November 2, 2025, I caused a copy of the *Objection by Alberto Smeke Saba and Salomon Smeke Saba to Emergency Motion of the Debtors for Entry of an Order Authorizing the Debtors to Conduct Rule 2004 Examinations* to be served via the Court's Electronic Filing (CM/ECF) system on all parties registered to receive electronic notices in this case, and upon the party listed below via electronic mail.

<b>DLA PIPER LLP (US)</b> Stuart M. Brown 1201 North Market Street, Suite 2100 Wilmington, Delaware 19801 Email: stuart.brown@us.dlapiper.com  <i>Proposed Special Counsel to the Debtors</i>	<b>DLA PIPER LLP (US)</b> David M. Riley Neal Kronley 1251 Avenue of the Americas New York, New York 10020 Email: david.riley@us.dlapiper.com neal.kronley@us.dlapiper.com  <i>Proposed Special Counsel to the Debtors</i>
<b>CHIPMAN BROWN CICERO &amp; COLE, LLP</b> William E. Chipman, Jr. Mark D. Olivere Hercules Plaza 1313 North Market Street, Suite 5400 Wilmington, Delaware 19801 Email: chipman@chipmanbrown.com olivere@chipmanbrown.com  <i>Proposed Counsel to the Debtors</i>	Malcolm M Bates Office of the United States Trustee 844 King Street Suite 2207 Wilmington, Delaware 19801 Email: malcolm.m.bates@usdoj.gov

**WOMBLE BOND DICKINSON (US) LLP**

/s/ Matthew P. Ward

Matthew P. Ward (DE No. 4471)