

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

In re:

Hudson 1701/1706, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 25-11853 (KBO)

(Jointly Administered)

**Hearing Date: December 12, 2025, at 10:00 a.m. (ET)**

**Obj. Deadline: December 4, 2025, at 4:00 p.m. (ET)**

**DEBTORS' MOTION FOR EXTENSION OF TIME  
FOR PERFORMANCE OF OBLIGATIONS UNDER  
GROUND LEASE PURSUANT TO BANKRUPTCY CODE SECTION 365(d)(3)**

Hudson 1701/1706, LLC and Hudson 1702, LLC (together, the “Debtors”) submit this motion (this “Motion”) for the entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the time for the Debtors to perform obligations arising under the Ground Lease (as defined below) for a period of 60 days from the Petition Date (as defined below). In support of the Motion, the Debtors respectfully state as follows:<sup>2</sup>

**RELIEF REQUESTED**

1. The Debtors seek entry of the Proposed Order, under section 365(d)(3) of the Bankruptcy Code, extending the time for the Debtors to perform their Obligations under the Ground Lease for 60 days after the Petition Date, through and including December 21, 2025.

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<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number, are Hudson 1701/1706, LLC (0281) and Hudson 1702, LLC (0190). The Debtors’ mailing address is c/o FTI Consulting, Inc. Attn: Alan Tantleff, 1166 Avenue of the Americas, 15th Floor, New York, NY 10036.

<sup>2</sup> A detailed description of the Debtors and their businesses, including the facts and circumstances giving rise to the Debtors’ Chapter 11 Cases, is set forth in the *Amended and Restated Declaration of Alan Tantleff in Support of Debtors’ Chapter 11 Petitions and First Day Motions* [D.I. 60] (the “First Day Declaration”). Capitalized terms used but not otherwise defined in this Motion have the meaning given to them in the First Day Declaration.



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## **JURISDICTION AND VENUE**

2. The United States Bankruptcy Court for the District of Delaware (the “Court”) has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated as of February 29, 2012. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A).

3. Under Rule 9013-1(f) of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), the Debtors consent to the entry of a final order by the Court on this Motion to the extent it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with article III of the United States Constitution.

4. Venue is proper under 28 U.S.C. §§ 1408 and 1409.

5. The statutory basis for the relief requested by this Motion is section 365(d)(3) of title 11 of the United States Code, 11 U.S.C. § 101 *et seq.* (the “Bankruptcy Code”).

## **BACKGROUND**

### **A. General Background**

6. On October 22, 2025 (the “Petition Date”), each Debtor commenced a voluntary case (collectively, the “Chapter 11 Cases”) by filing a petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”). The Debtors are operating their business and managing their property as debtors in possession under sections 1107(a) and 1108 of the Bankruptcy Code.

7. No request for the appointment of a trustee or examiner has been made in these Chapter 11 Cases, and no official committees have been appointed or designated.

8. To date, the Office of the United States Trustee for the District of Delaware (the “U.S. Trustee”) has not appointed a creditors’ committee in the Chapter 11 Cases, nor has any trustee or examiner been appointed therein.

9. Additional information regarding the Debtors’ business operations, corporate and capital structures, and restructuring efforts are described in greater detail in the First Day Declaration.

**B. Ground Lease**

10. The Debtors are party to that certain *Ground Lease* dated as of May 4, 2022 (as may be amended from time to time, the “Ground Lease”) with 356W58 Ground Lessor, LLC (the “Ground Lessor”). Under the Ground Lease, the Debtors hold an undivided interest in the leased premises, which include Condominium Units 1, 2, and 6 of the 353 West 57<sup>th</sup> Street Condominium (“Property”).

11. Under the terms of the Ground Lease (as amended, most recently by the *Fourth Amendment to the Ground Lease* dated March 29, 2024 (“Fourth Amendment”)), the Debtors are obligated to pay base rent of \$8,750,000 per year.

12. Since its inception, the project has faced significant challenges, including regulatory delays, a stop-work order issued by the New York City Department of Buildings, and complaints by the SRO tenants residing at the Property. As a result, construction was not completed by the required deadline, and the Ground Lessor has issued multiple notices of default. While the Ground Lessor expressed support of continuing efforts to move the redevelopment of the Property forward, on several occasions prior to the Petition it also indicated that it might terminate the Ground Lease. The Debtors believe that as of the Petition Date all rent obligations were current. The Debtors have been engaged in ongoing discussions to resolve the asserted

defaults and preserve their interest in the Property. The Debtors continue to operate the Property and are seeking to stabilize operations and advance the redevelopment project for the benefit of all stakeholders, but require additional time to negotiate in good faith with the Ground Lessor.

### **BASIS FOR RELIEF**

13. Section 365(d)(3) of the Bankruptcy Code provides, in relevant part, that “the court may extend, for cause, the time for performance of any such obligation that arises within 60 days after the date of the order for relief, but the time for performance shall not be extended beyond such 60-day period.” 11 U.S.C. § 365(d)(3).

14. Bankruptcy courts have in their discretion extended the time for a debtor to comply with section 365(d)(3) obligations for the 60-day grace period, depending on the particular facts and circumstances confronting the debtor. *See, e.g., In re S & F Concession, Inc.*, 55 B.R. 689, 690 (Bankr. E.D. Pa. 1985) (“A plain reading of this subsection indicates that a debtor, renting nonresidential realty under an unexpired lease, must timely perform all obligations arising after the filing of the petition unless the court grants the limited extension authorized in § 365(d)(3). The legislative history . . . supports the clear language of the subsection.”). Cause exists to extend the time for performance under section 365(d)(3) of the Bankruptcy Code where a debtor is actively negotiating with its landlord. *In re DWE Screw Products, Inc.*, 157 B.R. 326, 329 (Bankr. N.D. Ohio 1993) (finding cause to extend the time for performance where debtor was attempting to negotiate a settlement with the landlord).

15. Here, cause exists to extend the time for performance under section 365(d)(3). The Debtors have been engaged in active, good faith negotiations with the Ground Lessor. Further, the Debtors are evaluating their options with respect to the Ground Lease. The requested extension

is limited to the statutorily permitted 60-day period, during which the Debtors will continue to assess their restructuring options.

16. Accordingly, cause exists to extend the time for performance under the Ground Lease as requested in this Motion.

**NOTICE**

17. Notice of this Motion will be provided to: (a) the Office of the United States Trustee for Region 3; (b) the Office of the United States Attorney for the District of Delaware; (c) the holders of the 20 largest unsecured claims against the Debtors (on a consolidated basis); (d) counsel to Parkview Financial REIT, LP; (e) counsel to the Ground Lessor; (f) counsel to CSC Hudson, LLC and Alberto Smeke Saba and Salomon Smeke Saba; (g) counsel to Western Alliance Bancorporation; (h) the Internal Revenue Service; (i) the attorney general for the State of New York; (j) any party that has requested notice under Bankruptcy Rule 2002; and (k) any other party entitled to notice under Local Rule 9013-1.

*[Remainder of page intentionally left blank]*

**WHEREFORE**, the Debtors respectfully request entry of the Proposed Order, granting the relief requested in this Motion and such other and further relief as the Court may deem just and proper.

Dated: November 20, 2025  
Wilmington, Delaware

**CHIPMAN BROWN CICERO & COLE, LLP**

/s/ William E. Chipman, Jr.

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Mark D. Olivere (No. 4291)  
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*Proposed Counsel to the Debtors*

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*Proposed Special Counsel to the Debtors*

**EXHIBIT A**

**Proposed Order**

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

In re:

Hudson 1701/1706, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 25-11853 (KBO)

(Jointly Administered)

**Related D.I.:**

**ORDER GRANTING EXTENSION  
OF TIME FOR PERFORMANCE OF OBLIGATIONS UNDER  
GROUND LEASE PURSUANT TO BANKRUPTCY CODE SECTION 365(d)(3)**

Upon the motion (the “Motion”),<sup>2</sup> filed by the above-captioned debtors (together, the “Debtors”) for entry of an order (this “Order”), extending the time for the Debtors to perform their obligations under the Ground Lease for 60 days after the Petition Date; and this Court having jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this Court having found this is a core proceeding under 28 U.S.C. § 157(b)(2)(A); and this Court having found that this Court may enter a final order consistent with article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper under 28 U.S.C. §§ 1408 and 1409; and this Court having found the Debtors’ notice of the Motion and opportunity for a hearing were adequate and appropriate under the circumstances and no other or further notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested in the Motion at any hearing before this Court; and the Court having determined that the legal and factual

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<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number, are Hudson 1701/1706, LLC (0281) and Hudson 1702, LLC (0190). The Debtors’ mailing address is c/o FTI Consulting, Inc. Attn: Alan Tantleff, 1166 Avenue of the Americas, 15th Floor, New York, NY 10036.

<sup>2</sup> Capitalized terms not otherwise defined in this Order have the meaning given to them in the Motion.



bases set forth in the Motion and any hearing on the Motion, establish just cause for the relief granted in this Order; and the Court having found and determined that the relief sought in the Motion is in the best interests of the Debtors' estates, their creditors and other parties in interest; and after due deliberation and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED as set forth in this Order.
2. The Debtors' time for performance of any obligations under the Ground Lease, arising from and after the Petition Date is extended for a period of 60 days, through and including December 21, 2025.
3. Notice of the Motion was good and sufficient notice of the Motion and the requirements of Bankruptcy Rule 6004(a), if applicable, and the Local Rules are satisfied by such notice.
4. The Debtors are hereby authorized to take all actions necessary to effectuate the relief granted in this Order.
5. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
6. This Court retains exclusive jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

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

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| In re:  | Chapter 11   |
| Hudson 1701/1706, LLC, <i>et al.</i> , <sup>1</sup> | Case No. 25-11853 (KBO)<br>(Jointly Administered)  |
| Debtors.  | <b>Hearing Date: December 12, 2025, at 10:00 a.m. (ET)</b><br><b>Objection Deadline: December 4, 2025, at 4:00 p.m. (ET)</b> |

**NOTICE OF DEBTORS' MOTION FOR EXTENSION OF TIME  
FOR PERFORMANCE OF OBLIGATIONS UNDER  
GROUND LEASE PURSUANT TO BANKRUPTCY CODE SECTION 365(d)(3)**

PLEASE TAKE NOTICE that on November 20, 2025, the above-captioned debtors and debtors-in-possession (the “**Debtors**”) filed the *Debtors' Motion for Extension of Time for Performance of Obligations Under Ground Lease Pursuant to Bankruptcy Code Section 365(d)(3)* (the “**Motion**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

PLEASE TAKE FURTHER NOTICE that responses, if any, to the Motion, must be filed on or before **December 4, 2025, at 4:00 p.m. (Eastern Time)** (the “**Objection Deadline**”) with the Court, 824 North Market Street, Third Floor, Wilmington, Delaware 19801.

PLEASE TAKE FURTHER NOTICE that at the same time, you must serve a copy of the response on (a) proposed special litigation and corporate counsel for the Debtors, DLA Piper LLP (US), (i) 1201 North Market Street, Suite 2100, Wilmington, Delaware 19801 (Attn.: Stuart M. Brown [[stuart.brown@us.dlapiper.com](mailto:stuart.brown@us.dlapiper.com)]) and (ii) 1251 Avenue of the Americas, New York, New York 10020 (Attn.: David Riley [[david.riley@us.dlapiper.com](mailto:david.riley@us.dlapiper.com)]) (b) proposed counsel to the Debtors, Chipman Brown Cicero & Cole LLP, 1313 N. Market Street, Suite 5400, Wilmington, DE 19801 (Attn: William E. Chipman, Jr. and Mark D. Olivere; [[chipman@chipmanbrown.com](mailto:chipman@chipmanbrown.com)] and [[olivere@chipmanbrown.com](mailto:olivere@chipmanbrown.com)]); (c) counsel to the DIP Lender and Pre-Petition Lender, Hogan Lovells US LLP, (i) 1999 Avenue of the Stars, Suite 1400, Los Angeles, California 90067 (Attn: Richard Wynne and David P. Simonds; email: [[richard.wynne@hoganlovells.com](mailto:richard.wynne@hoganlovells.com)] and [[david.simonds@hoganlovells.com](mailto:david.simonds@hoganlovells.com)]); and (ii) 390 Madison Avenue, New York, New York, 10017 (Attn.: Christopher Bryant; email: [[chris.bryant@hoganlovells.com](mailto:chris.bryant@hoganlovells.com)]); (d) the Office of the United States Trustee for Region 3, J. Caleb Boggs Federal Building, 844 King Street, Lockbox 35, Wilmington, Delaware 19801 (Attn: Malcolm M. Bates [[malcolm.m.bates@usdoj.gov](mailto:malcolm.m.bates@usdoj.gov)]); and (3) counsel to any official committee appointed in the Chapter 11 Cases, so as to be received on or before the Objection Deadline.

PLEASE TAKE FURTHER NOTICE that a hearing on the Motion will be held on **December 12, 2025, at 10:00 a.m. (Eastern Time)** before the Honorable Karen B. Owens in the United

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are Hudson 1701/1706, LLC (0281) and Hudson 1702, LLC (0190). The Debtors' mailing address is c/o FTI Consulting, Inc. Attn: Alan Tantleff, 1166 Avenue of the Americas, 15th Floor, New York, NY 10036.

States Bankruptcy Court for the District of Delaware, 824 North Market Street, Sixth Floor, Court Room 3, Wilmington, Delaware 19801.

**PLEASE TAKE FURTHER NOTICE THAT IF NO OBJECTIONS TO THE MOTION ARE TIMELY FILED, SERVED AND RECEIVED IN ACCORDANCE WITH THIS NOTICE, THE BANKRUPTCY COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR HEARING.**

Dated: November 20, 2025  
Wilmington, Delaware

**CHIPMAN BROWN CICERO & COLE, LLP**

/s/ William E. Chipman, Jr.  
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-and-

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*Proposed Special Counsel to the Debtors*