

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

In re:

Hudson 1701/1706, LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 25-11853 (KBO)

(Jointly Administered)

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

Objection Deadline: December 5, 2025, at 4:00 p.m. (ET)

**MOTION OF THE DEBTORS FOR ENTRY OF AN ORDER (I) AUTHORIZING THE
DEBTORS TO PAY CERTAIN PREPETITION PROPERTY TAXES AND FEES AND
(II) GRANTING RELATED RELIEF**

Hudson 1701/1706, LLC and Hudson 1702, LLC and its affiliate, the debtors and debtors in possession (collectively, the “**Debtors**,” or the “**Company**”) in the above-captioned chapter 11 cases, by and through their undersigned proposed counsel, hereby move (this “**Motion**”) for entry of an order, substantially in the form attached hereto as **Exhibit A**, (i) authorizing, but not directing, the Debtors to pay, in their discretion, certain prepetition property taxes and related obligations as necessary to conduct their business operations in the ordinary course; and (ii) granting related relief. In support of the Motion, the Debtors respectfully move as follows:

RELIEF REQUESTED

1. The Debtors seek entry of an order, substantially in the form attached as **Exhibit A** (the “**Order**”), (i) authorizing, but not directing, the Debtors to pay, negotiate, and remit, in their sole discretion, certain taxes and fees as they come due in the ordinary course of business, including any outstanding prepetition Taxes and Fees (as defined below), upon audit or otherwise, and related obligations; and (ii) granting related relief. The Debtors seek such relief without

¹ 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.



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prejudice to the Debtors' right to contest the amounts and/or priority of any Taxes and Fees on any grounds that they deem appropriate.

JURISDICTION AND VENUE

2. The United States Bankruptcy Court for the District of Delaware (the "**Court**") has jurisdiction over these chapter 11 cases, the Debtors, property of the Debtors' estates and 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 that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with article III of the United States Constitution.

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

5. The statutory bases for the relief requested below are sections 105(a), 362(b)(18), 363(b), 506, 507(a)(8), 541(d), 1107(a) and 1108 of 11 U.S.C. § 101 *et seq.* (the "**Bankruptcy Code**"), and Rules 6003 and 6004 of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**").

BACKGROUND

6. On October 22, 2025 (the "**Petition Date**"), the Debtors each filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware (the "**Court**"), thereby commencing these cases (the "**Chapter 11 Cases**"). The Chapter 11 Cases are jointly administered for procedural purposes only pursuant to Bankruptcy Rule 1015(b).

7. The Debtors continue to be in possession of their properties, to operate their business, and manage their properties as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

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 factual background regarding the Debtors, including their business operations, their capital and debt structures and the events leading to the filing of these 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* [Docket No. 60] (the “**First Day Declaration**”),² which is fully incorporated herein by reference.

THE DEBTORS’ OBLIGATIONS TO THE TAXING AUTHORITIES

10. In the ordinary course of their business, the Debtors are subject to certain property taxes (collectively, the “**Taxes**”). The Debtors may also incur various fees owed to the Taxing Authorities (as defined below) in connection with the operation of their business (collectively, the “**Fees**,” and together with the Taxes, the “**Taxes and Fees**”). The Debtors pay the Taxes and Fees to the state and local taxing and governmental authorities of New York (the “**Taxing Authorities**”), identified on **Exhibit B** attached hereto. The Debtors typically pay the Taxes and Fees to the Taxing Authorities on a semiannual basis. In certain instances, the Debtors negotiate with the Taxing Authorities to determine the amount and respective payment schedule of Taxes and Fees due and owing.

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the First Day Declaration.

11. Pursuant to the New York City Department of Finance records of outstanding account balances for Block 1048, Lots 1701, 1702 & 1706 (as specified in the Debtors' Ground Lease), the new 2026 tax year began on July 1, 2025, and ends on July 1, 2026. Payments are made twice a year on July 1 and January 1, with no grace period. Interest on unpaid balances accrues at 18%, compounded daily. Under applicable law, the Taxing Authorities may impose a statutory lien upon the property if the applicable Taxes are not paid. Further, the Debtors are obligated under the terms of the Ground Lease to satisfy tax obligations with respect to the property. As of the Petition Date, the Debtors estimate that they owe approximately \$2,895,381.61, plus interest in the amount of approximately \$165,886.39 on account of the Taxes and Fees.

12. The Taxes and Fees are summarized as follows:

353 West 57 Street - Block 1048, Lots 1701,1702 & 1706								
NYC Dept. of Finance Payables 7/1/25 - 1/1/2026								
Block	Lot	Year	Period	Type	Due Date	Charged Amt.	Interest	Total
1048	1701	2026	1	TAX	7/1/2025	1,453,741.36	83,208.00	1,536,949.36
			3	FIRE	1/1/2026	560.70	-	560.70
			3	TAX	1/1/2026	1,453,741.36	-	1,453,741.36
1048	1701					Total Amt Payable		2,991,251.42
1048	1702	2026	1	TAX	7/1/2025	1,220,685.40	69,868.54	1,290,553.94
			3	TAX	1/1/2026	1,220,685.40	-	1,220,685.40
1048	1702					Total Amt Payable		2,511,239.34
1048	1706	2026	1	TAX	7/1/2025	106,535.46	6,097.79	112,633.25
				TAX	1/1/2006	106,535.46	-	106,535.46
1048	1706					Total Amt Payable		219,168.71
Total Past Due								2,940,136.55
Total Due 1/1/26								2,781,522.92
Total Amt. Payable								5,721,659.47

13. Accordingly, the Debtors seek the authority, but not the direction, to pay the outstanding July 1, 2025 Taxes and Fees, continue paying all Taxes and Fees, whether arising

before or after the Petition Date, to ensure uninterrupted business operations during the administration of these chapter 11 cases. The continued payment of the Taxes and Fees on their normal due dates will ultimately preserve the resources of the Debtors' estates. If such obligations are not timely paid, the Debtors' business operations may be suspended by certain licensing authorities or the Debtors will incur interest at 18%, compounded daily on the obligations, additional fees, and the Debtors will be required to expend time and expense to resolve these issues.

BASIS FOR RELIEF

14. There are numerous bases for granting the relief requested in this Motion, including (i) section 363(b) of the Bankruptcy Code gives the Debtors authority to pay Taxes and Fees in the ordinary course of business and under the necessity of payment doctrine; (ii) portions of the Taxes and Fees may be entitled to special treatment or priority status under sections 362(b)(18) and 507(a)(8) of the Bankruptcy Code; and (iii) payment of the Taxes and Fees is a valid exercise of the Debtors' fiduciary duties under sections 1107(a) and 1108 of the Bankruptcy Code.

I. Payment of the Taxes and Fees is a Sound Exercise of the Debtors' Business Judgment.

15. Section 363(b)(1) of the Bankruptcy Code authorizes the Court, after notice and a hearing, to permit a debtor to "use, sell, or lease, other than in the ordinary course of business, property of the estate." To approve the use of assets outside the ordinary course of business under section 363(b), courts require only that the debtor "show that a sound business purpose justifies such actions." *Dai-Ichi Kangyo Bank, Ltd. v. Montgomery Ward Holding Corp. (In re Montgomery Ward Holding Corp.)*, 242 B.R. 147, 153 (D. Del. 1999) (internal citations omitted); *see also In re Phx. Steel Corp.*, 82 B.R. 334, 335–36 (Bankr. D. Del. 1987). Moreover, "[w]here the debtor articulates a reasonable basis for its business decisions (as distinct from a decision made

arbitrarily or capriciously), courts will generally not entertain objections to the debtor's conduct.”
In re Johns-Manville Corp., 60 B.R. 612, 616 (Bankr. S.D.N.Y. 1986) (citation omitted).

16. The Debtors have sound business purposes for paying the Taxes and Fees. The payment of the Taxes and Fees is not only critical to minimizing disruptions to the Debtors' business, but also necessary to prevent the irreparable harm that would result from non-payment, including, for example, the risk that certain authorities may impose a statutory lien upon the property. Moreover, nonpayment of Taxes and Fees may result in penalties and additional accrued interest, fees and expenses. The relief requested seeks to avoid all of these value-destructive outcomes. Pursuant to the *Interim Order (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral; (II) Granting Adequate Protection to Prepetition Lender; (III) Modifying the Automatic Stay; (IV) Scheduling A Final Hearing and (V) Granting Related Relief* [Docket No. 82] (the “**Interim DIP Order**”), the Debtors have budgeted for the payment of the outstanding Taxes and Fees.

17. Failure to pay the Taxes and Fees could materially disrupt the Debtors' operations and otherwise prejudice their efforts to effectuate an expeditious restructuring process. The relief requested, therefore, should be authorized under section 363(b) of the Bankruptcy Code.

II. Certain Taxes and Fees May Be Secured or Constitute Priority Claims Entitled to Special Treatment Under the Bankruptcy Code.

18. The Debtors' failure to pay certain of the Taxes and Fees may give rise to secured or priority claims in favor of the Taxing Authorities. In fact, the creation and perfection of such a lien may not violate the automatic stay—even if the lien arises under applicable law for taxes due after the Petition Date. *See* 11 U.S.C. § 362(b)(18) (automatic stay does not apply to “the creation or perfection of a statutory lien for an ad valorem property tax, or a special tax or special

assessment on real property whether or not ad valorem, imposed by a governmental unit, if such tax or assessment comes due after the date of the filing of the petition.”).

19. Section 507(a)(8)(C) of the Bankruptcy Code provides priority status to “tax[es] required to be collected or withheld and for which the debtor is liable in whatever capacity.” Accordingly, it is possible that a significant portion of the Taxes and Fees that accrued or were incurred prior to the Petition Date are priority claims under section 507(a)(8) of the Bankruptcy Code. To the extent that certain of Taxes and Fees are priority claims under section 507(a)(8) of the Bankruptcy Code (or secured claims under section 506(a) of the Bankruptcy Code), their payment should be authorized on the basis that (a) they are required to be paid in full as a condition to satisfying the plan confirmation requirements contained in section 1129 of the Bankruptcy Code, or (b) they would be entitled to payment before any prepetition non-priority unsecured claim. Accordingly, the Debtors’ payment of the Taxes and Fees now affects only the timing of the payments and will not prejudice the recovery of junior creditors but, instead, will benefit all parties in interest by reducing the quantum of secured or priority claims that might otherwise accrue fees, interest or penalties during the pendency of these cases. *See* 11 U.S.C. §§ 506(b), 511(a); *United States v. Ron Pair Enters., Inc.*, 489 U.S. 235, 241–43 (1989) (holding that nonconsensual lienholders may receive interest on their claims under section 506(b) of the Bankruptcy Code).

III. Payment of the Taxes and Fees is a Proper Exercise of the Debtors’ Fiduciary Duties under Sections 1107(a) and 1108 of the Bankruptcy Code.

20. As debtors in possession under sections 1107(a) and 1108 of the Bankruptcy Code, the Debtors are fiduciaries operating their business for the benefit of their creditors and other stakeholders. *In re Marvel Entm’t Grp., Inc.*, 140 F.3d 463, 474 (3d Cir. 1998); *In re CoServ, L.L.C.*, 273 B.R. 487, 497 (Bankr. N.D. Tex. 2002); *see also In re Allied Sys. Holdings*,

Inc., 524 B.R. 598, 603 (Bankr. D. Del. 2015) (finding that directors of an insolvent corporation owed fiduciary duties both to the company and to its creditors). Implicit in the fiduciary duties of any debtor in possession is the obligation to “protect and preserve the estate, including an operating business’s going-concern value.” *CoServ*, 273 B.R. at 497. Some courts have noted that there are instances in which a debtor can fulfill this fiduciary duty “only . . . by the preplan satisfaction of a pre-petition claim.” *Id.*

21. Payment of the Taxes and Fees is necessary to preserve the Debtors’ estate and their business’ going-concern value. Additionally, the potential harm and economic disadvantage that would result from the failure to pay the Taxes and Fees is grossly disproportionate to the amount of any prepetition claims that the Debtors are seeking to pay as part of this Motion.

RESERVATION OF RIGHTS

22. Nothing contained herein is intended or shall be construed as (a) an admission as to the validity, priority, or amount of any claim against the Debtors; (b) a waiver of the Debtors’ or any appropriate party in interest’s rights to dispute the amount of, basis for, or validity, priority, or amount of any claim against the Debtors; (c) a waiver of any claims or causes of action which may exist against any creditor or interest holder; (d) an approval, assumption, adoption, or rejection of any agreement, contract, lease, program, or policy between the Debtors and any third party under section 365 of the Bankruptcy Code; or (e) a promise to pay a claim. Likewise, if the Court grants the relief sought herein, any payment made pursuant to the Court’s order is not intended to be and should not be construed as an admission to the validity, priority, or amount of any claim or a waiver of the Debtors’ rights to subsequently dispute such claim. Accordingly, the Debtors reserve all their rights and defenses related to their ability to contest the amount or basis of any Taxes and Fees that may be or come due during the pendency of these cases.

NOTICE AND NO PRIOR REQUEST

23. Notice of this Motion will be given to: (a) the Office of the United States Trustee for the District of Delaware; (b) the holders of the 20 largest unsecured claims against the Debtors (on a consolidated basis); (c) counsel to the DIP Lender and Prepetition Lender; (d) the Taxing Authorities; and (e) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtors submit that, under the circumstances, no other or further notice is required.

WHEREFORE, the Debtors respectfully request that the Court (i) enter the proposed Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested in this Motion and (ii) grant such other and further relief to the Debtors as the Court may deem just and proper.

Dated: November 21, 2025
Wilmington, Delaware

CHIPMAN BROWN CICERO & COLE, LLP

/s/ Mark D. Olivere

William E. Chipman, Jr. (No. 3818)

Mark D. Olivere (No 4291)

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Proposed 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.*,¹

Debtors.

Chapter 11

Case No. 25-11853 (KBO)

(Jointly Administered)

Related Docket No. _____

**ORDER (I) AUTHORIZING THE DEBTORS TO PAY CERTAIN PREPETITION
PROPERTY TAXES AND FEES AND (II) GRANTING RELATED RELIEF**

Upon the motion (the “**Motion**”)² filed by the above-captioned debtors (collectively, the “**Debtors**”) for entry of an order (this “**Order**”), (i) authorizing, but not directing, the Debtors to pay, in their sole discretion, Taxes and Fees, including obligations arising on account of audits or otherwise, and (ii) granting related relief, all as further described in the Motion; and upon consideration of the First Day Declaration; 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 that 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 and determined that the relief sought in the Motion is in the best interests of the Debtors, their estates, their creditors and other parties in interest; and this Court having reviewed the Motion and having

¹ 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.

² Capitalized terms used but not defined herein shall have the meaning given to them in the Motion.

heard the statements in support of the relief requested therein at a hearing before this Court (the “**Hearing**”); and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted in this Final Order; 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. Pursuant to sections 105(a) and 363(b) of the Bankruptcy Code, the Debtors are authorized, in their sole discretion and without any further order of this Court, to pay, in an amount not to exceed \$3,145,414.92 in the aggregate, on account of the prepetition Taxes and Fees to the Taxing Authorities.
3. The Debtors are authorized, but not directed, to pay, negotiate, and remit (or use tax credits to offset) any and all Taxes and Fees that (a) accrued prepetition and will become payable during the pendency of these chapter 11 cases, or (b) arise or accrue in the ordinary course of business on a postpetition basis—including, for the avoidance of doubt, paying any Taxes and Fees arising as a result of the Audits or Assessments.
4. The Debtors are further authorized, but not directed, to settle some or all of the prepetition Taxes and Fees for less than their face amount without further notice or hearing.
5. This Order is without prejudice to the rights of the Debtors and their estates to contest the validity, priority or amounts of any Taxes and Fees or audit on any grounds they deem appropriate, and any rights of the Debtors and their estates with respect to such matters shall be reserved.
6. Nothing contained in this Order is intended to or shall: (a) be construed as an admission as to the validity, priority, or amount of any claim against the Debtors; (b) impair,

prejudice waive or otherwise affect the rights of the Debtors or their estates to dispute the amount of, basis for, nature, validity, priority, or amount of any claim against the Debtors; (c) impair, prejudice, waive or otherwise affect the rights of the Debtors or their estates with respect to any and all claims or causes of action which may exist against any third party; (d) be construed as an approval, assumption, adoption, or rejection of any agreement, contract, lease, program, or policy between any Debtor and any third party under section 365 of the Bankruptcy Code; or (e) create any rights in favor of, or enhance the status or nature of any claim held by, any person.

7. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Order are immediately effective and enforceable upon its entry.

8. The Debtors are hereby authorized to take all actions they deem necessary to effectuate the relief granted in this Order.

9. This Court retains jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Exhibit B

Taxing Authorities

Authority	Address	Type
City of New York	NYC Department of Finance, 1 Centre Street, 22nd Floor, New York, NY 10007	Property
State of New York	NYS Tax Department, 90 Cohoes Ave, Green Island, NY 12183-1515	Property

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

In re:

Hudson 1701/1706, LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 25-11853 (KBO)
(Jointly Administered)

Hearing Date: December 12, 2025, at 10:00 a.m. (ET)
Objection Deadline: December 5, 2025, at 4:00 p.m. (ET)

**NOTICE OF MOTION OF THE DEBTORS FOR ENTRY OF AN ORDER (I)
AUTHORIZING THE DEBTORS TO PAY CERTAIN PREPETITION PROPERTY
TAXES AND FEES AND (II) GRANTING RELATED RELIEF**

PLEASE TAKE NOTICE that on November 21, 2025, the above-captioned debtors and debtors-in-possession (the “**Debtors**”) filed the *Motion of the Debtors for Entry of Order (I) Authorizing the Debtors to Pay Certain Prepetition Property Taxes and (II) Granting Related Relief* (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 5, 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 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] and [olivere@chipmanbrown.com]); (b) 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] and [david.simonds@hoganlovells.com]); and (ii) 390 Madison Avenue, New York, New York, 10017 (Attn: Christopher Bryant; email: [chris.bryant@hoganlovells.com]); (c) 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]); and (d) 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 States Bankruptcy Court for the District of Delaware, 824 North Market Street, Sixth Floor, Court Room 3, Wilmington, Delaware 19801.

¹ 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.

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 21, 2025
Wilmington, Delaware

CHIPMAN BROWN CICERO & COLE, LLP

/s/ Mark D. Olivere

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