Docket #0063 Date Filed: 4/10/2026

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

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| In re:<br><br>Hudson 1701/1706, LLC, *et al.*, [1]<br><br>Debtors. | Chapter 11<br><br>Case No. 25-11853 (KBO)<br>(Jointly Administered) |
| HUDSON 1701/1706, LLC,<br><br>Plaintiff,<br>v.<br><br>356W58 Ground Lessor LLC,<br><br>Defendant. | Adv. Pro. No. 25-52471 (KBO) |

**CERTIFICATION OF COUNSEL REGARDING**
**ORDER APPROVING VOLUNTARY MEDIATION AND APPOINTING MEDIATOR**

I, William E. Chipman, Jr., counsel for the above-captioned debtors and debtors-in-possession (the "Debtors"), hereby certify as follows:

1. On October 22, 2025, the Debtors commenced with the Court voluntary cases (the "**Chapter 11 Cases**") under chapter 11 of the Bankruptcy Code. The Chapter 11 Cases are jointly administered for procedural purposes only pursuant to Bankruptcy Rule 1015(b).

2. The Debtors are authorized to continue operating their business and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

3. On November 25, 2025, the Office of the United States Trustee for the District of Delaware filed the Notice of Appointment of Committee of Unsecured Creditors (the

[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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"**Committee**") [Docket No. 104]. No trustee or examiner has been appointed in these Chapter 11 Cases.

4. On December 22, 2025, the Debtors commenced the above captioned adversary proceeding against 356W58 Ground Lessor, LLC (the "**MSP**") [Adv. Pro. No. 25-52471(KBO)] (the "**Recharacterization Litigation**"). The Recharacterization Litigation seeks the recharacterization of that certain purported 99-year Ground Lease, dated as of May 4, 2022, between the Debtors and MSP, as a disguised financing, among other things.

5. On February 4, 2026, MSP filed a Motion to Dismiss the Complaint (the "**Motion to Dismiss**"), a Memorandum of Law in Support and Declaration in Support [Adv. Docket Nos. 15, 16 and 17]. On February 11, 2026, the Debtors filed an Opposition to the Motion to Dismiss [Adv. Docket No. 25] and on February 18, 2026, MSP filed a Reply to the Motion to Dismiss [Adv. Docket No. 32]. The Motion to Dismiss is currently set to be argued at the April 21, 2026 omnibus hearing scheduled in these Chapter 11 Cases.

6. As the Court suggested at the last omnibus hearing, the Debtors, the Committee, Parkview Financial REIT, LP (the "**DIP Lender**"), and MSP (collectively, the "**Parties**"), have discussed participating in voluntary mediation to try to resolve the Recharacterization Litigation (the "**Mediation**").

7. The Parties discussed many potential dates to conduct the Mediation and identified several former bankruptcy judges to serve as a mediator. After several meetings, the Parties agreed to have the Honorable Robert E. Gerber (Ret.) provide mediation services to the Parties and serve as mediator for the Mediation (the "**Mediator**" or "**Judge Gerber**").

8. The Parties have further agreed that the Mediation will take place in person, with at least one decision maker from the Debtors, the DIP Lender and MSP attending, in New York

City on May 1, 2026, at the offices of Hogan Lovells US LLP, counsel to the DIP Lender.

9. The Parties have agreed to specific terms governing the Mediation, including authorizing the Debtors to use proceeds from the debtor-in-possession financing approved in these Chapter 11 Cases to compensate Judge Gerber for his services, as set forth in the proposed order attached hereto as **Exhibit A** (the "**Proposed Order**").

11. Counsel for the Debtors respectfully requests that the Court enter the Proposed Order at its earliest convenience.

[*Signature Page to Follow*]

Dated: April 10, 2026
Wilmington, Delaware

**CHIPMAN BROWN CICERO & COLE, LLP**

*/s/ William E. Chipman, Jr.*

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# EXHIBIT A

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

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| In re:<br><br>Hudson 1701/1706, LLC, *et al.*, [1]<br><br>Debtors. | Chapter 11<br><br>Case No. 25-11853 (KBO)<br>(Jointly Administered) |
| HUDSON 1701/1706, LLC,<br><br>Plaintiff,<br><br>v.<br><br>356W58 Ground Lessor LLC,<br><br>Defendant. | Adv. Pro. No. 25-52471 (KBO)<br><br>Related to Docket No. _____ |

**ORDER APPROVING VOLUNTARY MEDIATION AND APPOINTING MEDIATOR**

Upon consideration of the Certification of Counsel (the "**Certification of Counsel**") Regarding Order Approving Voluntary Mediation and Appointing Mediator (this "**Order**"), as agreed to by and among the above-captioned debtors and debtors-in-possession (the "**Debtors**"); the Official Committee of Unsecured Creditors, Parkview Financial REIT, LP, and 356W58 Ground Lessor, LLC (each a "**Party**" and collectively the "**Parties**"); and the Court having learned that the Parties have been engaged in discussions concerning, among other things, the above captioned adversary proceeding against 356W58 Ground Lessor, LLC [Adv. Pro. No. 25-52471(KBO)] (the "**Recharacterization Litigation**"); and the Court having determined that entry of the Order is in the best interests of the Debtors, their estates, their creditors, and all parties-in-

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interest; and the Court having found that (i) the Court has jurisdiction over this matter pursuant to 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, (ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b), and (iv) notice was adequate and appropriate under the particular circumstances; and it is hereby **ADJUDGED AND ORDERED** that:

1. The Parties have agreed, and are hereby authorized, to participate in mediation (the **"Mediation"**), in an effort to resolve the Recharacterization Litigation, commencing on May 1, 2026, in person at the offices of Hogan Lovells US LLP, or at another time and site mutually acceptable to the Parties.

2. Under Rule 9019-2(e)(i) of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the **"Local Rules"**), in accordance with the agreement of the Parties, the Honorable Robert E. Gerber (Ret.) (the **"Mediator"**) is authorized to serve as the mediator for the Mediation.

3. Except to the extent inconsistent with the provisions of this Order, the Mediation shall be conducted in accordance with Local Rule 9019-5.

4. The Mediator's fees and costs shall be paid by the Debtors from proceeds of the DIP Facility.

5. The Parties shall meet and confer with the Mediator to establish procedures for the Mediation.

7. The Mediation is subject to the provisions of Local Rule 9019-5(d) entitled Confidentiality of Mediation Proceedings.

8. Aside from proof of actual fraud or unethical conduct, there shall be no liability on

the part of, and no cause of action shall arise against, the Mediator on account of any act or omission in the course and scope of the Mediator's duties as mediator in the Mediation.

9. All obligations of the Parties and the Mediator pursuant to this Order shall survive the conclusion of the Mediation.

10. The Parties are authorized to perform any obligations as set forth therein.

11. This Order is effective immediately upon its entry by the Court. To the extent applicable, this Order is not subject to the fourteen-day stay provided in Rule 6004(h) of the Federal Rules of Bankruptcy Procedure.

12. This Court shall retain jurisdiction with regard to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.