

SILVERMANACAMPORA LLP,
Counsel to 1141 Realty Owner LLC, et al.
Reorganized Debtors
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753
(516) 479-6300
Kenneth P. Silverman, Esq.
Brian Powers, Esq.

Presentment Date: May 18, 2020
Time: 12:00 p.m.

Objections Due: May 18, 2020
Time: 11:30 a.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

1141 REALTY OWNER LLC., *et al.*,

Reorganized Debtors.
-----X

Chapter 11

Case No.: 18-12341 (SMB)

(Jointly Administered)

**NOTICE OF PRESENTMENT OF REORGANIZED
DEBTORS' MOTION FOR AN ORDER (I) ENTERING
FINAL DECREE AND CLOSING CHAPTER 11 CASES; AND (II)
TERMINATING ENGAGEMENT OF CLAIMS AND NOTICING AGENT**

PLEASE TAKE NOTICE, that on **May 18, 2020** at **12:00 p.m.**, upon the motion of 1141 Realty Owner LLC and Flatironhotel Operations LLC (the "**Reorganized Debtors**")¹ in these chapter 11 cases (the "**Chapter 11 Cases**"), dated April 24, 2020 (the "**Motion**"), the Reorganized Debtors will present a proposed order (the "**Proposed Order**"), in a form substantially similar to the version annexed to the Motion as Exhibit A, (i) pursuant to section 350(a) of title 11 of the United States Code (the "**Bankruptcy Code**") and Rule 3022 of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**") for entry of a final decree and order closing the Chapter 11 Cases; and (ii) terminating engagement of Omni Management Group, Inc. ("**Omni**") as Claims and Noticing Agent and granting related relief, to the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court for

¹ The Reorganized Debtors and the last four digits of their respective tax identification number are: 1141 Realty Owner LLC (1804) and Flatironhotel Operations LLC (4773). The Debtors' principal place of business is 9 West 26th Street a/k/a 1141 Broadway, New York, New York.

the Southern District of New York, Alexander Hamilton U.S. Custom House, One Bowling Green, New York, New York 10004-1408.

PLEASE TAKE FURTHER NOTICE, that if you would like to receive a copy of the Motion and Proposed Order, you may (a) access the Motion and Proposed Order from the Bankruptcy Court's electronic case filing system located at www.nysb.uscourts.gov or (b) contact the attorneys for the Reorganized Debtors at SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300, Jericho, New York 11753, Attention: Brian Powers, Esq., (516) 479-6300; bpowers@sallp.com.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to entry of the Proposed Order shall be in writing, must be filed with the Court electronically in accordance with General Order M-399 by registered users of the Court's electronic case filing system, and by all other parties in interest, mailed to the Clerk of the United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton U.S. Custom House, One Bowling Green, New York, New York 1004-1408, with a hard copy delivered directly to the Chambers of the Honorable Stuart M. Bernstein, and served in accordance with General Order M-399 or other form upon: (i) attorneys for the Reorganized Debtors, SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300, Jericho, New York, 11753, Attention: Kenneth P. Silverman, Esq., and (ii) the U.S. Federal Office Building, 201 Varick Street, Room 1006, New York, New York 10014, so as to be received no later than **May 18, 2020 at 11:30 a.m.**

PLEASE TAKE FURTHER NOTICE, that if a timely objection is filed, the Court may schedule a hearing on the Motion.

Dated: Jericho, New York
April 27, 2020

SILVERMANACAMPORA LLP
Attorneys for the Reorganized Debtors

By: s/ *Kenneth P. Silverman*
Kenneth P. Silverman
A Member of the Firm
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UNITED STATES BANKRUPTCY COURT
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In re:

1141 REALTY OWNER LLC., *et al.*,

Reorganized Debtors.
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Chapter 11

Case No.: 18-12341 (SMB)

(Jointly Administered)

**MOTION FOR AN ORDER (I) ENTERING FINAL DECREE
AND CLOSING CHAPTER 11 CASES; AND (II) TERMINATING
ENGAGEMENT OF CLAIMS AND NOTICING AGENT**

1141 Realty Owner LLC and Flatironhotel Operations LLC (the “**Reorganized Debtors**”)¹ the debtors and debtor-in-possession of the above captioned cases (the “**Chapter 11 Cases**”), through its counsel, SilvermanAcampora LLP, hereby submit this motion (the “**Motion**”) for an order (i) pursuant to section 350(a) of title 11 of the United States Code (the “**Bankruptcy Code**”)and Rule 3022 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) for entry of a final decree and order closing the Chapter 11 Cases; and (ii) terminating engagement of Omni Management Group, Inc. (“**Omni**”) as Claims and Noticing Agent and granting related relief. In support of the Motion, the Reorganized Debtors respectfully represent as follows:

JURISDICTION

1. This Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157

¹ The Reorganized Debtors and the last four digits of their respective tax identification number are: 1141 Realty Owner LLC (1804) and Flatironhotel Operations LLC (4773). The Debtors’ principal place of business is 9 West 26th Street a/k/a 1141 Broadway, New York, New York.

and 1334.

2. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

3. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The statutory predicate for the relief requested herein section 350(a) of the Bankruptcy Code and Rule 3022 of the Bankruptcy Rules.

BACKGROUND

A. The Bankruptcy Cases

5. On July 31, 20 (the “**Petition Date**”), the Reorganized Debtors filed voluntary petitions for relief pursuant to chapter 11 of the Bankruptcy Code, thereby commencing the above-referenced Chapter 11 cases in the United States Bankruptcy Court for the Southern District of New York (the “**Court**”).

6. Since the Petition Date, the Reorganized Debtors have remained in possession of their assets and have continued to manage their business as debtors-in-possession pursuant to sections 1107 and 1108 of the Bankruptcy Code.

7. No committee, trustee or examiner has been appointed in these Chapter 11 Cases.

8. A detailed description of the Reorganized Debtors business and the facts precipitating the filing of the Reorganized Debtors’ Chapter 11 Cases are set forth in the Declaration of James Katchadurian pursuant to rules 1007-2 and 9077-2 of the local bankruptcy rules of the United States Bankruptcy Court for the Southern District of New York (the “**Local Bankruptcy Rules**”) in support of the Reorganized Debtors’ chapter 11 petitions and first day motions (ECF Doc. No. 8).

B. Retention of Omni Management Group, Inc. as Claims and Noticing Agent

9. On July 31, 2018, the Reorganized Debtors filed an application for entry of an

order appointing Omni as claims and noticing agent in the Chapter 11 Cases (ECF Doc. No. 4).

10. On August 8, 2018, the Court entered an order appointing Omni as claims and noticing agent in the Chapter 11 Cases (the “**Omni Order**”) (ECF Doc. No. 22).

C. The Plan

11. On February 20, 2019, the Reorganized Debtors filed the First Amended Plan of Reorganization for 1141 Realty Owner LLC and Flatironhotel Operations LLC Under Chapter 11 of the Bankruptcy Code (the “**Plan**”) (ECF Doc. No. 117).

12. On May 9, 2019, the Court entered its Findings of Fact, Conclusions of Law and Order (i) Approving Disclosure Statement on a Final Basis Pursuant to 11 U.S.C. § 1125; and (ii) Confirming First Amended Plan of Reorganization of 1141 Realty Owner LLC and Flatironhotel Operations LLC Under Chapter 11 of the Bankruptcy Code Pursuant to 11 U.S.C. § 1129 and Fed. R. Bank. P. 3020 (the “**Confirmation Order**”) (ECF Doc. No. 159), which confirmed the Plan.

13. On May 17, 2019, the Reorganized Debtors filed a Notice of (i) Entry of Order Confirming First Amended Plan of Reorganization of 1141 Realty Owner LLC and Flatironhotel Operations LLC Under Chapter 11 of the Bankruptcy Code; (ii) Occurrence of Effective Date; (iii) Administrative Expenses Bar Date; and (iv) Rejection Damages Bar Date (ECF Doc. No. 162), which notified interested parties that (i) the Court entered the Confirmation Order, (ii) the Plan’s effective date occurred on May 14, 2019 (the “**Effective Date**”), (iii) the deadline for filing and serving requests for payment of Administrative Expense Claims, and (iv) deadline for filing and serving claims for damages related to the rejection of an executory contract or unexpired lease.

D. Distributions

14. The Reorganized Debtors, either directly or through Omni, disbursed all distributions to creditors holding allowed claims (the “**Allowed Claims**”) in the Chapter 11 Cases.

RELIEF REQUESTED

15. By this Motion, the Reorganized Debtors seek an order (i) pursuant to section 350(a) of the Bankruptcy Code and Rule 3022 of the Bankruptcy Rules for entry of a final decree and order closing the Chapter 11 Cases; and (ii) terminating engagement of Omni as Claims and Noticing Agent and granting related relief

BASIS FOR REQUESTED RELIEF

A. Final Decree

16. Section 350(a) of the Bankruptcy Code provides that after an estate is “fully administered” and the court has discharged the trustee, the court shall close the bankruptcy case. Rule 3022 provides the meaning by which the bankruptcy case shall be closed:

After an estate is fully administered in a chapter 11 reorganization case, the court on its own motion or on motion of a party in interest shall enter a final decree closing the case.

Fed. R. Bank. P. 3022.

17. On April 27, 2020, the Reorganized Debtors filed a notice of withdrawal of their objection to the pre-petition and administrative claims of TCG Acquisitions 2 LLC (ECF Doc. No. 227) (the “**Lender Claim Objection**”). With the settlement and withdrawal of the Lender Claim Objection, all outstanding matters in the Chapter 11 Cases have been resolved.

18. Based on the foregoing, the Reorganized Debtors submit that the Chapter 11 Cases should be closed. As set forth above, as of the date hereof, the Plan has been substantially

consummated, all distributions to creditors on account of claims have been made, and the Reorganized Debtors' estates are fully administered.

B. Termination of Omni Management Group, Inc. Engagement

19. Pursuant to the Omni Order, Omni was retained to, among other things, receive, maintain, record and otherwise administer proofs of claim filed in the Chapter 11 Cases.

20. As noted above, all distributions on account of Allowed Claims have been made. The Reorganized Debtors therefore no longer require the services of Omni.

21. Accordingly, the Reorganized Debtors submit that the termination of Omni's engagement as claims and noticing agent is appropriate at this time.

22. The Reorganized Debtors further request that within thirty (30) days of entry of the Final Decree, Omni shall be ordered to (a) prepare a final claims register for the Clerk of the Court pursuant to the guidelines for implementing 28 U.S.C. § 157(a) and (b) box and transport all claims to the Federal Archives, at the direction of the Clerk of the Court.

NOTICE

23. Notice of this Motion has been provided to (i) the United States Trustee; and (ii) all parties filing a notice of appearance herein. The Reorganized Debtors respectfully submit that no other notice is required.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

WHEREFORE, the Reorganized Debtors respectfully request that the Court enter the proposed order, substantially in the form annexed hereto as **Exhibit A**, (i) closing the Chapter 11 Cases, and (ii) terminating the engagement of Omni Management Group, Inc.

Dated: Jericho, New York
April 27, 2020

SILVERMANACAMPORA LLP
Attorneys for the Reorganized Debtors

By: s/ Kenneth P. Silverman
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100 Jericho Quadrangle, Suite 300
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
In re:

Chapter 11

1141 REALTY OWNER LLC., *et al.*,

Case No.: 18-12341 (SMB)

Reorganized Debtors.

(Jointly Administered)

-----x

**FINAL DECREE AND ORDER CLOSING CHAPTER 11 CASES
AND TERMINATING ENGAGEMENT OF CLAIMS AND NOTICING AGENT**

Upon consideration of the motion (the “**Motion**”)¹ of 1141 Realty Owners LLC and Flatironhotel Operations LLC (the “**Reorganized Debtors**”), pursuant to 11 U.S.C. §§ 350(a) and 1106(a)(7), Rule 3022 of the Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rule 3022-1, (i) seeking entry of a final decree and order closing the Reorganized Debtors’ Chapter 11 Cases and (ii) terminating Omni Management Group, Inc.’s engagement as Claims and Noticing Agent; and upon the representations made by the Reorganized Debtors in the Motion regarding the distributions and disbursements made under the First Amended Plan of Reorganization of for 1141 Realty Owners LLC and Flatironhotel Operations LLC Under Chapter 11 of the Bankruptcy Code (the “**Plan**”), confirmed by Order of this Court on May 9, 2019; and it appearing that the Plan is substantially consummated; and it appearing that all distributions on account of Allowed Claims have been made and the Reorganized Debtors’ Chapter 11 Cases are fully administered; and no objections having been filed to the Motion; and for good and sufficient cause; it is hereby

ORDERED, that the Motion is granted; and it is further

ORDERED, that pursuant to section 350(a) of the Bankruptcy Code and Bankruptcy Rule 3022 and the Plan, these Chapter 11 Cases are hereby closed; and, it is further

¹ Capitalized terms not otherwise identified in this Order having the meanings ascribed to them in the Motion.

ORDERED, that the engagement of Omni Management Group, Inc. as Claims and Noticing Agent; and

ORDERED, that that the Reorganized Debtors shall reserve sufficient funds to pay the Office of the United States Trustee the amount of any quarterly fees due pursuant to 28 U.S.C. § 1930 and any applicable interest due pursuant to 31 U.S.C. § 3717, which fees and interest, if any, shall be paid within ten (10) days of the entry of this Final Decree. Upon the payment of such quarterly fees, the Reorganized Debtors shall simultaneously provide to the United States Trustee a declaration indicating cash disbursement for the quarter in which this Final Decree is entered, and for any other relevant quarter or quarters; and it is further

ORDERED, that the Clerk of the Court is directed to mark these Chapter 11 Cases as “closed”.

Dated: New York, New York
_____, 2020

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE