

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1

WHITE & CASE LLP

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- and -

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Co-Counsel to Debtors and Debtors-in-Possession

In re:

CBRM Realty Inc. *et al.*,

Debtors.¹

Chapter 11

Case No. 25-15343 (MBK)
(Jointly Administered)

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: CBRM Realty Inc. (2420), Crown Capital Holdings LLC (1411), Kelly Hamilton Apts LLC (9071), Kelly Hamilton Apts MM LLC (0765), RH Chenault Creek LLC (8987), RH Copper Creek LLC (0874), RH Lakewind East LLC (6963), RH Windrun LLC (0122), RH New Orleans Holdings LLC (7528), and RH New Orleans Holdings MM LLC (1951). The location of the Debtors' service address in these chapter 11 cases is: In re CBRM Realty Inc., et al., c/o White & Case LLP, 1221 Avenue of the Americas, New York, New York 10020.



NOTICE OF SERVICE OF SUBPOENA

PLEASE TAKE NOTICE THAT, pursuant to L.R. 2004-1(b) and the *Order Granting Debtors' Motion for Entry of an Order (I) Granting Leave for the Debtors to Conduct Rule 2004 Examination or, in the Alternative, for Leave Pursuant to Federal Rule of Civil Procedure 30(A)(2)(B), to Depose Moshe "Mark" Silber, (II) Approving Related Procedures, and (III) Granting Related Relief* dated August 21, 2025 [Bankr. Dkt. No. 415], the debtors and debtors in possession caused Deputy Sean Duurloo of the Orange County Sheriff's Office to serve the *Subpoena for Rule 2004 Examination* attached as Exhibit 1 upon Moshe Silber on August 28, 2025.

Dated: September 10, 2025

Respectfully submitted,

/s/ Andrew Zatz

Andrew Zatz

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EXHIBIT 1

UNITED STATES BANKRUPTCY COURT

District of New Jersey

In re CBRM Realty Inc., et al.

Debtor

Case No. 25-15343 (MBK)

(Jointly Administered)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Moshe Silber

(Name of person to whom the subpoena is directed)

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE

In-person at FCI Otisville or such other method provided by FCI Otisville

DATE AND TIME

Between August 25 and 29, 2025 as ordered by the Court (attached to this Subpoena for Rule 2004 Examination)

The examination will be recorded by this method: Court reporter/stenographic

☐ **Production:** You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: August 22, 2025

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Samuel P. Hershey

Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party)
Debtors and Debtors-in-Possession, who issues or requests this subpoena, are:

Samuel P. Hershey, 1221 Avenue of the Americas, New York, NY 10020, sam.hershey@whitecase.com, (212) 819-8200

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): _____
on (date) _____.

☒ I served the subpoena by delivering a copy to the named person as follows: Moshe Silber DOB 07/04/89
_____ on (date) 08/28/26; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true and correct.

Date: _____

Dep Sean Duvrlo #188

Server's signature

Dep Sean Duvrlo #188

Printed name and title

Server's address

Additional information concerning attempted service, etc.:

Exhibit 1 Page 4 of 9
CERTIFICATE OF SERVICE

ORANGE COUNTY SHERIFF'S OFFICE

PAUL ARTETA, SHERIFF
110 WELLS FARM ROAD
GOSHEN, NEW YORK 10924-6740
CIVIL UNIT

TELEPHONE (845) 291-2933 FAX (845) 291-7603

BANKRUPTCY United States-Southern District

Docket No.: 25003210
Index No: 25-15343

U.S. Bankruptcy Court, Plaintiff

-against-

CBRM Realty Inc, Etal, Defendant(s)

I, Sean Duurloo certify that on 8/28/2025, at approximately 3:24 PM, at:

FCI Otisville
2 Mile Drive
Otisville, NY 10963

service of the within SUBPOENA was made upon:

Moshe Silber

PERSONAL SERVICE – by delivering to and leaving with Moshe Silber personally a true copy thereof, said person being known to me as the person mentioned and described herein.

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a Negative reply. The person served is described as: skin color - White, sex - Male, hair color - Brown, height - 5'10", weight - 160, age - 36.

IN CASE OF ORDER OF PROTECTION SERVICE:

I asked the person served if they owned or possessed any weapons. They said: No

The following attempts at personal service were made: none



By: _____
Deputy Sean Duurloo, # 155

Dated: August 29, 2025

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) **Contempt.** The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1

In re:

CBRM REALTY INC., *et al.*

Debtors.¹

Chapter 11

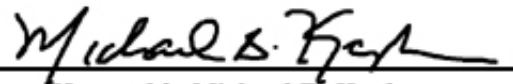
Case No. 25-15343 (MBK)
(Jointly Administered)

Order Filed on August 21, 2025
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**ORDER GRANTING DEBTORS' MOTION FOR ENTRY OF AN ORDER (I)
GRANTING LEAVE FOR THE DEBTORS TO CONDUCT RULE 2004 EXAMINATION
OR, IN THE ALTERNATIVE, FOR LEAVE PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 30(A)(2)(B), TO DEPOSE MOSHE "MARK" SILBER, (II)
APPROVING RELATED PROCEDURES, AND (III) GRANTING RELATED RELIEF**

The relief set forth on the following pages, numbered 2 through 4, is **ORDERED**.

DATED: August 21, 2025


Honorable Michael B. Kaplan
United States Bankruptcy Judge

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: CBRM Realty Inc. (2420), Crown Capital Holdings LLC (1411), Kelly Hamilton Apts LLC (9071), Kelly Hamilton Apts MM LLC (0765), RH Chenault Creek LLC (8987), RH Copper Creek LLC (0874), RH Lakewind East LLC (6963), RH Windrun LLC (0122), RH New Orleans Holdings LLC (7528), and RH New Orleans Holdings MM LLC (1951). The location of the Debtors' service address in these chapter 11 cases is: In re CBRM Realty Inc., et al., c/o White & Case LLP, 1221 Avenue of the Americas, New York, New York 10020.



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Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

Caption of Order: ORDER GRANTING DEBTORS' MOTION FOR ENTRY OF AN ORDER (I) GRANTING LEAVE FOR THE DEBTORS TO CONDUCT RULE 2004 EXAMINATION OR, IN THE ALTERNATIVE, FOR LEAVE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 30(A)(2)(B), TO DEPOSE MOSHE "MARK" SILBER, (II) APPROVING RELATED PROCEDURES, AND (III) GRANTING RELATED RELIEF

Upon the motion (the "**Motion**"),¹ of the above-captioned debtors and debtors in possession (collectively, the "**Debtors**"), for entry of an order (this "**Order**") authorizing the Debtors to depose Moshe (Mark) Silber, who is presently confined at a federal correctional institution, all as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. § 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11 of the United States District Court for the District of New Jersey*, entered July 23, 1984, and amended on September 18, 2012 (Simandle, C.J.) and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the Debtors' notice of the Motion was appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having 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 establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor **IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED as set forth herein.

¹ Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

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Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

Caption of Order: ORDER GRANTING DEBTORS' MOTION FOR ENTRY OF AN ORDER (I) GRANTING LEAVE FOR THE DEBTORS TO CONDUCT RULE 2004 EXAMINATION OR, IN THE ALTERNATIVE, FOR LEAVE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 30(A)(2)(B), TO DEPOSE MOSHE "MARK" SILBER, (II) APPROVING RELATED PROCEDURES, AND (III) GRANTING RELATED RELIEF

2. The Debtors are authorized to take the deposition of Moshe ("Mark") Silber, an inmate confined at a federal correctional institution, as part of ongoing fact discovery.

3. The examination of Silber shall occur at the site of his incarceration, FCI Otisville, between August 25, 2025, and August 29, 2025.²

4. FCI Otisville shall coordinate with counsel for the Debtors to facilitate the deposition during the above-listed timeframe.

5. Counsel for the Debtors shall serve a copy of this Order on Mr. Silber and the current warden and other appropriate staff of FCI Otisville within a reasonable time.

6. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

7. The provision of Local Rule 2004-1(c) that "[a] subpoena issued under subdivision (b) [examination on subpoena] must set the examination . . . not earlier than 14 days after service of the subpoena" is hereby waived.

8. Notwithstanding any Bankruptcy Rule or Local Rule to the contrary, this Order shall be effective and enforceable immediately upon entry hereof.

9. Any relief granted to the Debtors pursuant to this Order shall be applicable only to the Debtors, acting at the direction of the Independent Fiduciary, and not to any other party. The

² The Debtors are currently seeking to identify where Mr. Silber is being housed, and will submit a revised proposed form of order once this information is ascertained.

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Debtors: CBRM REALTY INC., *et al.*

Case No. 25-15343 (MBK)

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relief granted in this Order shall not be deemed to alter, limit or prejudice the rights or privileges of any other party, including any trustee or successor to the Debtors.

10. Notice of the Motion as provided therein shall be deemed good and sufficient notice thereof in satisfaction of the Bankruptcy Rules and the Local Rules.

11. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

12. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.