

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

WHITE & CASE LLP

Gregory F. Pesce (admitted *pro hac vice*)
111 South Wacker Drive
Chicago, Illinois 60606
Telephone: (312) 881-5400
Email: gregory.pesce@whitecase.com

-and-

Andrew Zatz
Samuel P. Hershey (admitted *pro hac vice*)
Barrett Lingle (admitted *pro hac vice*)
1221 Avenue of the Americas
New York, New York 10020
Telephone: (212) 819-8200
Email: azatz@whitecase.com
sam.hershey@whitecase.com
barrett.lingle@whitecase.com

Counsel to Debtors and Debtors-in-Possession

KEN ROSEN ADVISORS PC

Kenneth A. Rosen
80 Central Park West
New York, New York 10023
Telephone: (973) 493-4955
Email: ken@kenrosenadvisors.com

*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), RH New Orleans Holdings MM LLC (1951), and Laguna Reserve Apts Investor LLC (N/A). 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 DEBTORS' MOTION FOR ENTRY OF AN ORDER PURSUANT TO
BANKRUPTCY RULE 1014(B) STAYING PROCEEDINGS IN *IN RE MOSHE SILBER*,
CASE NO. 25-22890-SHL (BANKR. S.D.N.Y.), PENDING RESOLUTION OF DEBTORS'
MOTION TO TRANSFER VENUE**

PLEASE TAKE NOTICE that, on September 19, 2025, Moshe Silber filed a voluntary petition for relief under chapter 7 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “**Bankruptcy Code**”), in the United States Bankruptcy Court for the District of New York (the “**New York Bankruptcy Court**”).

PLEASE TAKE FURTHER NOTICE that, in light of the foregoing, the Debtors have filed the attached *Debtors' Motion for Entry of an Order Pursuant to Bankruptcy Rule 1014(b) Staying Proceedings in In re Moshe Silber, Case No. 25-22890-shl (Bankr. S.D.N.Y.) Pending Resolution of Debtors' Motion to Transfer Venue* (the “**Motion**”), seeking a stay of proceedings in Mr. Silber’s chapter 7 case pending resolution of the Debtors’ motion to transfer venue under Rule 1014 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE NOTICE that a hearing on the Motion, will be held on **October 7, 2025, at 11:00 a.m.** (prevailing Eastern Time) or as soon thereafter as counsel may be heard (the “**Hearing**”) before the Honorable Chief Judge Michael B. Kaplan, via Zoom:

Zoom Link: <https://njbuscourts.zoomgov.com/j/1605462580?pwd=VIJETVNtTk5QSW5GUnFud2FvR0FWQT09> ,

Meeting ID: 160 546 2580

Passcode: 962296

PLEASE TAKE FURTHER NOTICE that the Motion sets forth the relevant factual basis upon which the relief requested should be granted. A proposed Order granting the relief requested in the Motion, was attached as Exhibit A to the Motion.

PLEASE TAKE FURTHER NOTICE that objections or responses, if any, to the relief requested in the Motion shall: (a) be in writing; (b) state with particularity the basis of the

objection; and (c) be filed with the Clerk of the United States Bankruptcy Court electronically so as to be received prior to the commencement of the Hearing, by: (i) the undersigned counsel to the debtors and debtors-in-possession; (ii) the United States Trustee, One Newark Center, Suite 2100 Newark, New Jersey 07102, Attn: Jeffrey M. Sponder (jeffrey.m.sponder@usdoj.gov); (iii) and counsel to any Official Committee; and (iv) all parties requesting or entitled to notice in these cases.

PLEASE TAKE FURTHER NOTICE that only those responses or objections that are timely filed, served, and received will be considered. Failure to file a timely objection may result in entry of an order granting the Motion as requested.

[Remainder of page intentionally left blank]

Dated: September 25, 2025

Respectfully submitted,

/s/ Andrew Zatz

WHITE & CASE LLP

Gregory F. Pesce (admitted *pro hac vice*)
111 South Wacker Drive
Chicago, Illinois 60606
Telephone: (312) 881-5400
Email: gregory.pesce@whitecase.com

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Samuel P. Hershey (admitted *pro hac vice*)
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New York, New York 10020
Telephone: (212) 819-8200
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New York, New York 10020
Telephone: (212) 819-8200
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*Co-Counsel to Debtors and
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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), RH New Orleans Holdings MM LLC (1951), and Laguna Reserve Apts Investor LLC (N/A). 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.

DEBTORS' MOTION FOR ENTRY OF AN ORDER PURSUANT TO BANKRUPTCY RULE 1014(B) STAYING PROCEEDINGS IN *IN RE MOSHE SILBER*, CASE NO. 25-22890-SHL (BANKR. S.D.N.Y.), PENDING RESOLUTION OF DEBTORS' MOTION TO TRANSFER VENUE

The above-captioned debtors and debtors in possession (collectively, the “**Debtors**”), by and through their undersigned counsel, hereby submit this motion (this “**Motion**”) for entry an order determining, pursuant to Rule 1014(b) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), for entry of an order staying proceedings in the chapter 7 case of Moshe Silber (the “**Silber Bankruptcy Case**”), filed by Mr. Silber in the United States Bankruptcy Court for the Southern District of New York (the “**New York Bankruptcy Court**”), pending this Court’s resolution of the *Debtors’ Motion for Entry of an Order (I) Pursuant to Bankruptcy Rule 1014(b) Transferring Venue of In re Moshe Silber, Case No. 25-22890-SHL (Bankr. S.D.N.Y.) to the District of New Jersey and (II) Related Relief* (the “**Transfer Motion**”)² to this court (the “**New Jersey Bankruptcy Court**”). In support of this motion, the Debtors respectfully state as follows:

PRELIMINARY STATEMENT

1. On September 25, 2025, the Debtors filed the Transfer Motion seeking an order from the Court to transfer the Silber Bankruptcy Case to New Jersey Bankruptcy Court. While the Transfer Motion is pending, it is within the power of this Court to stay proceedings in the Silber Bankruptcy Court until the Transfer Motion is resolved. The Court should grant this Motion because (i) Mr. Silber will not suffer any prejudice if the Silber Bankruptcy Case is stayed, (ii) a stay will prevent conflicting orders or material progression of the Silber Bankruptcy Case before proper venue is determined, and (iii) there is a strong likelihood that the New Jersey Bankruptcy Court is the appropriate venue.

² The Transfer Motion is incorporated herein by reference. Capitalized terms used but not defined herein have the meaning ascribed to them in the Transfer Motion.

BACKGROUND

2. For factual and procedural background relevant to this Motion, the Debtors incorporate the background from the Transfer Motion by reference.

3. On September 19, 2025, Mr. Silber filed a chapter 7 bankruptcy petition in the New York Bankruptcy Court. *See In re Moshe Silber*, Case No. 25-22890-shl (Bankr. S.D.N.Y., filed Sept. 19, 2025). On September 25, 2025, the Debtors filed the Transfer Motion in this Court. Contemporaneously with the Transfer Motion, the Debtors filed this Motion, seeking a stay of proceedings in the Silber Bankruptcy Case during the pendency of the Transfer Motion.

JURISDICTION

4. The New Jersey Bankruptcy 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 New Jersey, dated as of September 18, 2012. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and the Debtors consent to entry of a final order by the New Jersey Bankruptcy Court in connection with this motion to the extent it is later determined that the New Jersey Bankruptcy Court, absent the consent of the parties, cannot enter final orders of judgments in connection herewith consistent with Article III of the United States Constitution.

5. Venue is proper in the New Jersey Bankruptcy Court pursuant to 28 U.S.C. §§ 1408 and 1409.

6. The statutory and legal predicates for the relief requested herein are 11 U.S.C. § 105(a) and Bankruptcy Rule 1014(b).

BASIS FOR RELIEF

7. Pursuant to Bankruptcy Rule 1014(b), “If petitions commencing cases . . . are filed in different districts by, regarding, or against . . . a debtor and an affiliate . . . the court in the district where the first petition is filed may determine the district or districts in which the cases

should proceed in the interest of justice or for the convenience of the parties. . . . The court in the district where the first petition is filed may order the parties to the later-filed cases not to proceed further until the motion is decided.” Fed. R. Bankr. P. 1014. As set forth in the Transfer Motion, Mr. Silber is an “affiliate” of the Debtors under 11 U.S.C. § 101(2)(A).³ Accordingly, pursuant to Bankruptcy Rule 1014, it is wholly within the Court’s discretion to determine whether, and to what extent, the Silber Bankruptcy case should proceed in the New York Bankruptcy Court pending adjudication of the Transfer Motion.

8. This provision permits “the court in which the first-filed petition is pending to stay proceedings in the related cases” where “there is a judicial determination that [Rule 1014(b)] applies and that a stay of related cases is needed while the court makes its venue determination.” Fed. R. Bankr. P. 1014(b) advisory committee’s note to 2014 amendment.

9. Entry of the stay pending decision on the Transfer Motion is necessary and appropriate and is in the best interest of the Debtors’ estates and creditors. *See In re Caesars Entm’t Operating Co.*, No. 15-10047 (KG) (Bankr. D. Del. Jan. 14, 2015), Dkt. No. 47 (staying proceedings pending transfer determination under 1014(b)). The Silber Bankruptcy Case should be stayed until this Court makes the required determination under Bankruptcy Rule 1014(b) for the following reasons.

10. *First*, Mr. Silber will suffer no prejudice from the requested stay. There has been no substantive action in the New York Bankruptcy Court. As of the time of this filing, Mr. Silber has not filed any substantive pleadings in the New York Bankruptcy Court. Furthermore, the

³ As set forth in the Transfer Motion, Section 101(2)(A) of the Bankruptcy Code defines “affiliate” as an “entity that directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the outstanding voting securities of the debtor. . . .” 11 U.S.C. § 101(2)(A). Mr. Silber owns, directly or indirectly, twenty percent or more of the Debtors. *See* Dundon Declaration, Ex A; *Voluntary Petition for CBRM Realty Inc.* [Dkt. No. 1] (Silber is the sole shareholder of CBRM, ultimate equity holder of each Debtor entity). The definition of “entity” under the Code includes natural persons. *See* 11 U.S.C. § 101(15).

Debtors do not expect this Court to take long to determine whether the Silber Bankruptcy Case should remain in the New York Bankruptcy Court or should be transferred to New Jersey Bankruptcy Court. Due to the anticipated short turnaround time, no parties will be prejudiced by staying proceedings in the New York Bankruptcy Court until this Court decides the venue in which the Silber Bankruptcy Case should proceed.

11. *Second*, if a stay of the Silber Bankruptcy Case is not granted and this Court ultimately determines that the case should be transferred to New Jersey, orders could be entered in New York Bankruptcy Court in the intervening period that would adversely affect this Court's ability to preserve estate assets and protect the interests of creditors.

12. *Third*, there is a strong likelihood that the New Jersey Bankruptcy will be the appropriate forum. Bankruptcy Rule 1014(b) provides that the venue as to which bankruptcy proceeding should continue must be made "in the interest of justice or for the convenience of the parties." Fed. R. Bankr. P. 1014(b). The Debtors believe that it is "in the interest of justice or for the convenience of the parties" for the Mr. Silber's case to remain in this Court since (i) the administration of Mr. Silber's estate is inextricably linked with the administration of the Debtors' estates and recoveries; (ii) the disposition of Mr. Silber's assets and equity interests implicates the corporate structure of the Debtors as Mr. Silber was the sole shareholder of the CBRM, the ultimate equity holder of each Debtor entity and several other entities in the Crown Capital Portfolio; (iii) Mr. Silber failed to substantively respond to the Debtors' Rule 2004 examinations, with which the New Jersey Bankruptcy Court is deeply familiar; and (iv) there is a discrepancy between the assets and liabilities Mr. Silber lists in his chapter 7 petition (none) and the millions of dollars of assets he listed in recent financial statements.⁴

⁴ These issues and arguments, among others, are explained in further depth in the Transfer Motion.

13. For the reasons set forth above, the Debtors respectfully submit that entry of the proposed order is necessary and appropriate and is in the best interest of the Debtors' estates and creditors.

NOTICE

14. The Debtors will provide notice of this Motion to: (i) the U.S. Trustees in these chapter 11 cases and in the Silber Bankruptcy Case; (ii) those entities entitled to notice under Bankruptcy Rule 2002(a) in these chapter 11 cases and in the Silber Bankruptcy Case; (iii) all parties that, as of the filing of this Motion, have requested notice in these chapter 11 cases and in the Silber Bankruptcy Case pursuant to Bankruptcy Rule 2002; and (iv) Moshe Silber and his proposed counsel. In light of the nature of the relief requested herein, the Debtors submit that no other or further notice is necessary.

CONCLUSION

15. For these reasons, the Debtors respectfully request that this Court enter an order under Rule 1014(b) staying all proceedings in the Silber Bankruptcy Case, pending this Court's determination of the Transfer Motion, and that this Court grant such other relief it deems just and proper.

16. WHEREFORE, the Debtors request entry of the proposed form of order attached hereto as **Exhibit A**, granting the relief requested herein and such other and further relief as is just and proper.

[Remainder of page intentionally left blank]

Dated: September 25, 2025

Respectfully submitted,

/s/ Andrew Zatz

WHITE & CASE LLP

Gregory F. Pesce (admitted *pro hac vice*)
111 South Wacker Drive
Chicago, Illinois 60606
Telephone: (312) 881-5400
Email: gregory.pesce@whitecase.com

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EXHIBIT A

Proposed Order

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 GRANTING DEBTORS' MOTION FOR ENTRY OF AN ORDER PURSUANT
TO BANKRUPTCY RULE 1014(B) STAYING PROCEEDINGS IN *IN RE MOSHE
SILBER*, CASE NO. 25-22890-SHL (BANKR. S.D.N.Y.), PENDING RESOLUTION OF
DEBTORS' MOTION TO TRANSFER VENUE**

The relief set forth on the following page, numbered 2, is hereby **ORDERED**.

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), RH New Orleans Holdings MM LLC (1951), and Laguna Reserve Apts Investor LLC (N/A). 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.

(Page 2)

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

Case No. 25-15343 (MBK)

Caption of Order: ORDER GRANTING DEBTORS' MOTION FOR ENTRY OF AN ORDER PURSUANT TO BANKRUPTCY RULE 1014(B) STAYING PROCEEDINGS IN *IN RE MOSHE SILBER*, CASE NO. 25-22890-SHL (BANKR. S.D.N.Y.), PENDING RESOLUTION OF DEBTORS' MOTION TO TRANSFER VENUE

Upon consideration of the *Debtors' Motion for Entry of an Order Pursuant to Bankruptcy Rule 1014(b) Staying Proceedings in In re Moshe Silber, Case No. 25-22890-shl (Bankr. S.D.N.Y.) Pending Resolution of Debtors' Motion to Transfer Venue* (the "**Motion**"),¹ and this Court having jurisdiction to consider the Motion and the relief requested therein 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 New Jersey, dated as of September 18, 2012; and consideration of the Motion and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided, and it appearing that no other or further notice need be provided; and this 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 that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. Pursuant to Bankruptcy Rule 1014(b), no other or further matters shall proceed in the Silber Bankruptcy Case until further order of this Court determining proper venue of the Silber Bankruptcy Case.

¹ All capitalized terms used but not otherwise defined herein shall have the meaning ascribed to such terms 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 PURSUANT TO BANKRUPTCY RULE 1014(B) STAYING PROCEEDINGS IN *IN RE MOSHE SILBER*, CASE NO. 25-22890-SHL (BANKR. S.D.N.Y.), PENDING RESOLUTION OF DEBTORS' MOTION TO TRANSFER VENUE

3. This Court shall retain jurisdiction over any and all matters arising from the interpretation or implementation of this Order.