

RIMON P.C.
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the Chapter 7 Trustee
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Jericho, New York 11753
Brian Powers
Courtney M. Roman

Hearing Date: July 15, 2024
Time: 10:00 a.m.

Objections Due: July 8, 2024
Time: 4:00 p.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

BUTH-NA-BODHAIGE, INC.,

Case No.: 24-10392 (DSJ)

Debtor.

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**CERTIFICATE OF NO OBJECTION TO
TRUSTEE’S THIRD OMNIBUS MOTION FOR AN
ORDER (I) AUTHORIZING AND APPROVING REJECTION OF
CERTAIN UNEXPIRED LEASES OF NONRESIDENTIAL REAL
PROPERTY PURSUANT TO 11 U.S.C. §365 AND BANKRUPTCY
RULE 6006, (II) AUTHORIZING AND APPROVING STIPULATIONS
FIXING CLAIMS ARISING FROM REJECTION OF CERTAIN LEASES
PURSUANT TO BANKRUPTCY RULE 9019, AND (III) AUTHORIZING
AND APPROVING ABANDONMENT OF PERSONAL PROPERTY
PURSUANT TO 11 U.S.C. § 554 AND BANKRUPTCY RULE 6007**

Pursuant to 28 U.S.C. § 1746, Rimon P.C., attorneys for Kenneth P. Silverman, Esq., the chapter 7 trustee (the “Trustee”) for the bankruptcy estate of Buth-Na-Bodhaige, Inc. (the “Debtor”), respectfully represents and certifies as follows:

1. On June 18, 2024, the Trustee filed an omnibus motion (the “Motion”) seeking entry of an order (i) authorizing and approving the rejection of certain unexpired leases of nonresidential real property (collectively, the “Leases”) pursuant to section 365 of title 11, United States Code (the “Bankruptcy Code”) and Rule 6006 of the Federal Rules of Bankruptcy Procedure the (the “Bankruptcy Rules”), (ii) authorizing and approving stipulations fixing claims arising from the rejection of certain leases pursuant to section 502(b) of the Bankruptcy Code and Bankruptcy Rule 9019, (iii) authorizing and approving the abandonment of the Debtor’s personal property



pursuant to section 554 of the Bankruptcy Code and Bankruptcy Rule 6007 (ECF Doc No. 78) (the “Motion”).¹

2. On June 18, 2024, the Trustee’s claims and noticing agent, Kurtzman Carson Consultants (“KCC”) served the Trustee’s Notice of Hearing on the Motion, which provided for a hearing date of July 15, 2024 at 10:00 a.m. (ECF Doc. No. 78) (the “Notice”).

3. On June 18, 2024, KCC served the Motion and Notice on: (i) the Debtor and its counsel; and (ii) the Office of the United States Trustee, and all interested parties indicating that, pursuant to E.D.N.Y. LBR 9006-1, objections to the Motion were due to be filed no later than July 8, 2024 (the “Objection Deadline”). On June 28, 2024, a Certificate of Mailing of Claims Agent evidencing service of the Motion and the Notice was filed. (ECF Doc. No. 81).

4. The Objection Deadline has passed and (i) the Motion was filed and served in a timely fashion, (ii) no objection has been filed or served on the movant, (iii) there is no objection, responsive pleading or request for a hearing with respect to the Motion on the docket, and (iv) the Trustee is not aware of any informal objection.

5. I have neither received nor spoken with any party-in-interest that expressed any objection to the granting of the Motion and the relief requested therein.

¹ All capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Motion.

6. Based on the foregoing, the undersigned counsel for the Trustee hereby certifies that no objections have been filed with respect to the granting of the Motion and the relief requested therein. Consequently, the Trustee hereby requests that this Court (i) enter the attached order granting the Motion; and (ii) mark off the hearing scheduled for July 15, 2024 at 10:00 a.m.

Dated: Jericho, New York
July 11, 2024

RIMON P.C.
Attorneys for Kenneth P. Silverman, Esq.,
Chapter 7 Trustee

By: s/ Brian Powers
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 7

BUTH-NA-BODHAIGE, INC.,

Case No.: 24-10392 (DSJ)

Debtor.
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**ORDER GRANTING CHAPTER 7 TRUSTEE’S THIRD
OMNIBUS MOTION FOR AN ORDER (I) AUTHORIZING AND
APPROVING REJECTION OF CERTAIN UNEXPIRED LEASES OF
NONRESIDENTIAL REAL PROPERTY PURSUANT TO 11 U.S.C. §365
AND BANKRUPTCY RULE 6006, (II) AUTHORIZING AND APPROVING
STIPULATIONS FIXING CLAIMS ARISING FROM REJECTION OF CERTAIN
LEASES PURSUANT TO BANKRUPTCY RULE 9019, AND (III) AUTHORIZING
AND APPROVING ABANDONMENT OF PERSONAL PROPERTY
PURSUANT TO 11 U.S.C. § 554 AND BANKRUPTCY RULE 6007**

Upon the motion (the “Motion”)¹ of Kenneth P. Silverman, Esq., the chapter 7 trustee (the “Trustee”) of the bankruptcy estate of Buth-Na-Bodhaige, Inc. (the “Debtor”), seeking the entry of an order (i) authorizing and approving the rejection of certain unexpired leases of nonresidential real property (collectively, the “Leases”) pursuant to section 365 of title 11, United States Code (the “Bankruptcy Code”) and Rule 6006 of the Federal Rules of Bankruptcy Procedure the (the “Bankruptcy Rules”), (ii) authorizing and approving stipulations (collectively, the “Stipulations”) fixing claims arising from the rejection of certain leases pursuant to section 502(b) of the Bankruptcy Code and Bankruptcy Rule 9019, (iii) authorizing and approving the abandonment of the Debtor’s personal property pursuant to section 554 of the Bankruptcy Code and Bankruptcy Rule 6007, and (iv) for such further relief as the Court deems proper; and upon the Declaration of Kenneth P. Silverman, Esq. filed in support of the Motion, annexed to the Motion as **Exhibit B**; and upon the hearing on the Motion held before the Court on July 15, 2024 (the “Hearing”), the

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

transcript of which is incorporated herein by reference; and notice of the Motion, the Hearing, and the relief sought in the Motion having been good and sufficient under the circumstances; and the Court having determined that the legal and factual bases set forth in the Motion establishing sufficient cause for the relief requested; now, therefore,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted.
2. The Stipulations, annexed to the Motion as **Exhibits C and D**, are hereby approved.
3. Fashion Place, LLC ("Fashion Place"), Saint Louis Galleria LLC ("Galleria"), Perimeter Mall, LLC ("Perimeter"), Norwalk Land Development LLC ("Norwalk"), GGP Ala Moana LLC ("GGP Hawaii"), GGP Staten Island Mall LLC ("GGP Staten Island"), Fashion Show Mall LLC ("Fashion Show"), Stonebriar Mall, LLC ("Stonebriar"), Park Meadows Mall, LLC ("Park Meadows"), Christiana Mall LLC ("Christiana"), and Baybrook Mall, LLC ("Baybrook") and, collectively with Fashion Place, Galleria, Perimeter, Norwalk, GGP Hawaii, GGP Staten Island, Fashion Show, Stonebriar, Park Meadows, and Christiana, "Brookfield") shall have an allowed general unsecured claim against the Debtor's estate in the amount of \$2,683,119.39.
4. Brookfield shall have an allowed administrative expense claim against the Debtor's estate in the amount of \$259,626.72.
5. Dimond Center Holdings, LLC ("Dimond"), Fashion Outlets of Chicago LLC ("Chicago"), Macerich Fresno Limited Partnership ("Fresno"), Brooklyn Kings Plaza LLC ("Kings Plaza"), and Macerich Queens Expansion, LLC ("Queens") collectively with Dimond, Chicago, Fresno, and Kings Plaza, the "Dimond Landlord") shall have an allowed general unsecured claim against the Debtor's estate in the amount of \$577,343.03.

6. The Dimond Landlord shall have an allowed administrative expense claim against the Debtor's estate in the amount of \$92,803.98.

7. The Leases shall each be deemed rejected pursuant to Bankruptcy Code § 365(a) as of the dates set forth in the Stipulations.

8. The abandonment of the Debtor's personal property remaining in the premises subject to Leases is hereby approved, as set forth in the Stipulations. The Trustee is authorized to take any and all actions reasonably necessary to perform or enforce any and all obligations contemplated by this Order.

9. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: New York, New York
July __, 2024

HONORABLE DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE