UNITED STATES BANKRUPTCY COURT **DISTRICT OF NEW JERSEY** Caption in Compliance with D.N.J. LBR 9004-1(b) **BODNER LAW PLLC** 55 Cherry Lane, Suite 101 Carle Place, New York 11514 (516) 444-3923 Jonathan S. Bodner, Esq. jbodner@bodnerlawpllc.com *Local counsel for RLA Consulting LLC, Creditor Recovery Trustee* -and- **THE LAW OFFICES OF RICHARD J. CORBI PLLC** 104 West 40th St., 4th Floor New York, NY 10018 (646) 571-2033 Richard J. Corbi (pro hac vice) rcorbi@corbilaw.com *Co-counsel for RLA Consulting LLC, Creditor Recovery Trustee*	
In re: **CBRM REALTY INC., et al.,**[1] Debtors.	Chapter 11 Case No. 25-15343 (MBK) (Jointly Administered) Hearing Date: October 29, 2026 Hearing Time: 10:00 a.m.

REPLY OF THE CREDITOR RECOVERY TRUSTEE IN FURTHER SUPPORT OF HIS MOTION TO COMPEL HINMAN, HOWARD & KATTELL, LLP [ECF NO. 885] AND IN RESPONSE TO (I) THE LIMITED OBJECTION OF THE CHAPTER 7 TRUSTEE [ECF NO. 896], (II) THE STATEMENT OF HINMAN, HOWARD & KATTELL, LLP [ECF NOS. 897, 898] AND (III) THE JOINDER OF MOSHE SILBER [ECF NO. 899]

TO: THE 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), 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.

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RLA Consulting LLC, in its capacity as Trustee of the Creditor Recovery Trust for CBRM Realty Inc. and Crown Capital Holdings, LLC (the "Trustee"), by and through its undersigned counsel, submits this reply (the "Reply") in further support of its motion [ECF No. 885] (the "Motion")[2] and in response to (i) the Limited Objection of Karen E. Bezner, Chapter 7 Trustee of the Estate of Moshe Silber [ECF No. 896] (the "Chapter 7 Trustee Objection"), and (ii) the Statement Waiving Objections to Jurisdiction, Opposing the Requested Relief to the Extent It May Impose Undue Burden or Expense, and Reserving Rights of Hinman, Howard & Kattell, LLP ("HH&K") [ECF Nos. 897, 898] (the "HH&K Statement"), and (iii) Moshe Silber's Joinder and Reservation of Rights in Support of the Limited Objection [ECF No. 899] (the "Silber Joinder").[3] In support of this Reply, the Trustee submits the Supplemental Certification of Richard J. Corbi, Esq. (the "Supplemental Corbi Certification"), filed herewith, and respectfully states as follows:

PRELIMINARY STATEMENT

No one opposes the production the Motion seeks. HH&K "does not object to any production of documents as such" and "intends to comply fully with any order of this Court." HH&K Stmt. ¶¶ 2, 33. It has no objection to the substance of the turnover of the Debtors' files, asking only for thirty days rather than twenty-one, and no objection to an order that no privilege or duty of confidentiality owed to a Debtor may be asserted against the Trustee. *Id.* ¶¶ 45, 47. The Chapter 7 Trustee does not object to production of HH&K's client and matter list or to the Trustee

[2]Capitalized terms used but not defined in this Reply have the meanings given to them in the Motion.

[3]The HH&K Statement was entered on the docket twice on October 28, 2026: as ECF No. 897, a scanned copy filed with HH&K's transmittal letter to Chambers dated October 27, 2026, and as ECF No. 898. Paragraph citations in this Reply are to ECF No. 898. The HH&K Statement and the Silber Joinder were both filed on October 28, 2026, after the October 27 deadline set by the Order Shortening Time. ECF No. 887 ¶ 7. The Trustee does not ask the Court to disregard either of them.

obtaining the files of matters in which a Debtor was the client. Chapter 7 Trustee Obj. at 2. Mr. Silber joins her objection and seeks no relief beyond it. Silber Joinder ¶ 4.

What the responses ask for is a procedure. HH&K asks that any order designate the documents by name or by search term, so that it is not required to decide who owns or controls whom, and that the non-Debtor matters be resolved now rather than piecemeal. HH&K Stmt. ¶¶ 5, 37, 43, 50–51. The Chapter 7 Trustee, joined by Mr. Silber, asks for notice, and an opportunity to review for privilege, before Silber-related files are produced. Chapter 7 Trustee Obj. ¶ 17; Silber Joinder ¶¶ 4–5. The Trustee agrees, and submits with this Reply a revised proposed order (the "Revised Proposed Order"), annexed as **Exhibit 1**, that does each of those things.

These issues could have been narrowed before the hearing. On October 22, 2026, the Trustee wrote to HH&K, asked it to state the basis for any objection in writing by October 26, and proposed a call on October 26 or 27 "in an effort to limit the issues before the Court on October 29." HH&K did not respond. Its first answer is the HH&K Statement, filed the day before the hearing.

REPLY

I. HH&K Did Not Respond to the Trustee's Requests to Meet and Confer

1. Since the Subpoena was served on August 24, 2026, the Trustee's counsel has asked HH&K, by telephone and in writing, for the client and matter list and for a production schedule, and has offered to narrow any request HH&K could show was burdensome. Motion ¶¶ 12–15; Corbi Decl. ¶¶ 5–9 & Ex. B. Counsel spoke with Mr. Greene on September 9 and October 14, 2026, among other calls, and wrote to him on September 9, September 29, October 5, October 8 and October 14. *Id.* HH&K produced nothing. Its only written response before the Motion was its

October 16 letter announcing an application in the Southern District of New York, which HH&K has now abandoned. Motion ¶¶ 16–18; HH&K Stmt. ¶¶ 28–30.

2. After the Motion was filed, the Trustee tried again. On October 21, 2026, the Trustee and his counsel spoke with Nir E. Gozal, Esq., HH&K's former special counsel on the matters at issue, whom HH&K had itself consulted in responding to the Subpoena. HH&K Stmt. ¶ 12; Supp. Corbi Cert. ¶ 2. On October 22, 2026, the Trustee's counsel wrote to Mr. Greene, with copies to Daniel H. Roseman, Esq., the Subpoena's addressee, and to HH&K's staff. Supp. Corbi Cert. ¶ 3 & Ex. A. The letter set out the Trustee's position on the client and matter list; asked about a data room that Mr. Gozal had described as holding materials of the CBRM and Crown clients; asked HH&K to state in writing, by the close of business on October 26, the basis for any objection to the Subpoena; and proposed a call on October 26 or 27 "in an effort to limit the issues before the Court on October 29," offering to discuss narrowing the relief sought or a consensual form of order. *Id.* Ex. A at 3–4.

3. HH&K did not respond. It did not state its objections in writing, did not propose a time to confer, and did not answer the questions about the data room. Supp. Corbi Cert. ¶ 4. The HH&K Statement does not mention the October 22 letter.

4. The HH&K Statement now reports that the Subpoena "potentially calls for 9,954 files, comprising more than 11 million pages." HH&K Stmt. ¶ 13. Twelve (12) days earlier, HH&K reported 1,926 responsive files. Corbi Decl. Ex. C at 1. HH&K has not explained how either figure was derived. Whichever figure is right, the procedure below does not require HH&K to review that universe. It requires HH&K to search its own records for names the Trustee supplies and to turn over the files of the Debtor entities named.

II. The Revised Proposed Order Adopts the Procedure the Responses Ask For

5. HH&K's response to the relief requested begins at paragraph 32 of the HH&K Statement. Its principal objection is to "the judgement calls" that the Subpoena's definitions would require. HH&K Stmt. ¶¶ 33–43. It asks that any order "clearly identify the documents to be produced, whether by name of client, by a list of word-search terms, or via some other mechanism," and states that it "is ready, able and willing to search its record for the debtors or any other designated names . . . and provide a client/matter list." *Id.* ¶¶ 5, 37. The Revised Proposed Order does that. It divides the materials the Trustee seeks into two categories, each defined by names the Trustee supplies.

A. Category One: The Debtor Entities' Materials

6. Within three (3) days after entry of the order, the Trustee will serve on HH&K a complete list, by name, of the Debtor entities (the "Debtor Entity List"). The list will be limited to the Debtors and their subsidiaries. It will not include any affiliated entity of the Debtors that is not itself a Debtor or a Debtor subsidiary, including the affiliated non-Debtor entities listed on Schedule 2 to the Subpoena. For purposes of the order, the Debtor Entity List takes the place of the Subpoena's definition of "Debtor" and of Schedule 1, so HH&K need make no determination of ownership or control. That answers HH&K's request that any subsidiaries "be identified by name." HH&K Stmt. ¶ 39.

7. Within thirty (30) days after service of the Debtor Entity List, HH&K will produce all materials of every matter whose client of record is an entity on the list, including matters 085196-0000001 and 085196-0000012, the invoices and time records for those matters, and any such materials held in a data room or other repository maintained by or for HH&K. HH&K has no objection to the substance of this relief and asked for thirty days. HH&K Stmt. ¶ 45. Nor does it

object to the provision that no privilege or duty of confidentiality owed to a Debtor may be asserted against the Trustee. *Id.* ¶ 47.

8. The Chapter 7 Trustee likewise does not object to the Trustee obtaining the files of matters in which a Debtor was the client. Chapter 7 Trustee Obj. at 2. Her objection is directed to Rhodium BA Holdings, LLC n/k/a Vecta Partners LLC and to other entities in which Mr. Silber held interests. *Id.* ¶¶ 10–15. Mr. Silber joins on the same grounds. Silber Joinder ¶ 4. As the Motion stated, the Trustee does not ask the Court to decide on this Motion whether Rhodium BA Holdings, LLC was a Debtor subsidiary. Motion ¶ 8. The Debtor Entity List will not include Rhodium BA Holdings, LLC, Vecta Partners LLC or the related Sunnyside entities; the Trustee's requests as to those matters will proceed under Category Two, with notice to the Chapter 7 Trustee and Mr. Silber. The Revised Proposed Order also provides that nothing in it determines the ownership or control of any entity, and all parties' positions on ownership are reserved.

B. Category Two: The Client and Matter List, and Non-Privileged Information

9. Within the same three (3) days, the Trustee will serve on HH&K a list of identified search terms, consisting of the names of the Debtor entities, the Subject Persons and the affiliated entities identified in the Subpoena. Within seven (7) days after receiving them, HH&K will produce a client and matter list of every matter whose client of record or matter name matches a term, giving the client and matter numbers, the client of record, the matter name, the responsible attorneys and the dates opened and closed. That is the search HH&K says it can perform. HH&K Stmt. ¶¶ 37, 40. HH&K will serve the list on counsel to the Chapter 7 Trustee and counsel to Mr. Silber at the same time, as they request. Chapter 7 Trustee Obj. ¶ 17(A); Silber Joinder ¶ 4.

10. Within fourteen (14) days after receiving the list, the Trustee may serve on HH&K a written request identifying the matters from which he seeks non-privileged information (a

"Category Two Request"). The Trustee will serve each Category Two Request at the same time on counsel to Mr. Silber and to the Chapter 7 Trustee, who may, within fourteen (14) days, interpose objections and request an additional privilege review of any matter identified. The Trustee will have the opportunity to narrow a Category Two Request to avoid the need for a privilege review, for example, to documents exchanged with third parties, records of the receipt, holding and disbursement of funds, and records of who was billed for and who paid HH&K's fees. *See* Motion ¶ 31.

11. HH&K will respond within thirty (30) days after service of a Category Two Request, producing the non-privileged information requested and logging anything withheld. The privilege log will identify, for each document withheld, its date, author and recipients, its general subject matter, the client whose privilege is asserted, and the client and matter number. It will be served on the Trustee, the Chapter 7 Trustee and Mr. Silber, and any entry on it may be brought to the Court's attention for further assistance.

12. This procedure answers HH&K's objection to a "piecemeal approach." HH&K Stmt. ¶¶ 50–51. The non-Debtor matters are addressed in this order, once, on a fixed timetable, with any dispute presented to this Court. It also gives the Chapter 7 Trustee and Mr. Silber what they ask for: the list at the same time as the Trustee, notice before any Silber-related material is produced, the opportunity to object and to review for privilege, and recourse to this Court before any disputed document is produced. Chapter 7 Trustee Obj. ¶ 17(A), (C), (D); Silber Joinder ¶ 5.[4]

13. Mr. Silber also contends that the privilege belongs to him personally, and not to his chapter 7 estate. Silber Joinder ¶ 5. That is a question between Mr. Silber and the Chapter 7

[4]HH&K observes that the Motion was not served on certain individuals and entities named in the Subpoena. HH&K Stmt. ¶ 27. The Motion was served as the Order Shortening Time directed. ECF No. 887 ¶ 2; ECF No. 889. The Revised Proposed Order does not compel production of any privileged information of a client that is not a Debtor Entity.

Trustee, and the Trustee takes no position on it here. The Court need not resolve it to enter the Revised Proposed Order. Mr. Silber and the Chapter 7 Trustee each receive notice of every Category Two Request, and either may object and assert whatever privilege he or she holds. Mr. Silber reserves the right "to object to any written demand the CBRM Trustee may serve on HH&K" as to non-Debtor entities. *Id.* The Revised Proposed Order gives him that right.

III. The Remaining Points

14. *Confidentiality and non-waiver.* The Trustee agrees that all materials HH&K produces will be treated as Confidential Information under the Protective Order [ECF No. 791], whether or not marked, as HH&K requests. HH&K Stmt. ¶¶ 53–54. The Trustee does not object to a provision under Federal Rule of Evidence 502(d) that production to either trustee does not waive any privilege or protection. Chapter 7 Trustee Obj. ¶ 17(E).

15. *Costs.* HH&K asks that the Trustee reimburse its costs within thirty days of invoice. HH&K Stmt. ¶ 56. The Revised Proposed Order removes the work HH&K described as burdensome. Category One requires no privilege review, because the files are returned to the client, and Category Two asks only for non-privileged information, which the Trustee may narrow. Compliance should not be conditioned on payment. If HH&K incurs significant expense in complying, it may apply to this Court on a documented record under Federal Rule 45(d)(2)(B)(ii), and the Trustee's rights in response are reserved. Motion ¶ 30.

16. *Reservation.* The Chapter 7 Trustee objects to footnote 4 of the Motion, and Mr. Silber reserves his rights. Chapter 7 Trustee Obj. ¶¶ 12, 17(F); Silber Joinder ¶ 5. The Trustee does not ask the Court to decide on this Motion the ownership of any equity interest, and the Revised Proposed Order so provides. All parties' rights are reserved.

CONCLUSION

For the foregoing reasons and those set forth in the Motion, the Trustee respectfully requests that the Court overrule the objections to the extent not resolved by the Revised Proposed Order, enter the Revised Proposed Order, and grant such other and further relief as is just, proper and equitable.

Dated: October 28, 2026

Respectfully submitted,

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EXHIBIT 1

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

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In re: **CBRM REALTY INC., et al.,**[1] Debtors.	Chapter 11 Case No. 25-15343 (MBK) (Jointly Administered)

ORDER (I) COMPELLING HINMAN, HOWARD & KATTELL, LLP TO PRODUCE THE FILES OF DEBTOR ENTITY MATTERS AND A CLIENT AND MATTER LIST, (II) ESTABLISHING A PROCEDURE FOR REQUESTS FOR NON-PRIVILEGED INFORMATION, AND (III) GRANTING RELATED RELIEF

The relief set forth on the following pages, numbered two (2) through five (5), 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.

Upon the motion [ECF No. 885] (the "Motion")[2] of RLA Consulting LLC, in its capacity as Trustee of the Creditor Recovery Trust for CBRM Realty Inc. and Crown Capital Holdings, LLC (the "Trustee"), for entry of an order compelling Hinman, Howard & Kattell, LLP ("HH&K") to comply in part with the Rule 2004 subpoena served on it on August 24, 2026 (the "Subpoena"); and the Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334 and the retention-of-jurisdiction provisions of the Plans and the Confirmation Orders; and due and sufficient notice of the Motion having been given in accordance with the Order Shortening Time [ECF No. 887]; and the Court having considered the Motion, the Corbi Declaration, the Limited Objection of Karen E. Bezner, Chapter 7 Trustee of the Estate of Moshe Silber [ECF No. 896] (the "Chapter 7 Trustee"), the Statement of HH&K [ECF Nos. 897, 898], the joinder of Moshe (Mark) Silber [ECF No. 899], the Trustee's reply and the Supplemental Corbi Certification, and the record of the hearing held on October 29, 2026; and good and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. Relief granted. The Motion is **GRANTED** as set forth herein. The objections to the Motion are overruled to the extent not resolved by this Order.

2. Debtor Entity List. Within three (3) days after entry of this Order, the Trustee shall serve on HH&K, counsel to the Chapter 7 Trustee and counsel to Moshe (Mark) Silber a list, by name, of the Debtor entities (each, a "Debtor Entity," and the list, the "Debtor Entity List"). The Debtor Entity List shall be limited to the Debtors and their subsidiaries and shall not include any affiliated entity of the Debtors that is not itself a Debtor or a subsidiary of a Debtor, including any affiliated non-Debtor entity listed on Schedule 2 to the Subpoena. For purposes of this Order,

[2]Capitalized terms used but not defined herein have the meanings given to them in the Motion.

"Debtor Entity" means an entity named on the Debtor Entity List, and HH&K shall not be required to determine the ownership or control of any person or entity. The Debtor Entity List shall not include Rhodium BA Holdings, LLC, Vecta Partners LLC, Rhodium BA Merger Sub, Inc. or any related Sunnyside/Vecta entity.

3. Category One – Debtor Entity materials. Within thirty (30) days after service of the Debtor Entity List, HH&K shall turn over to the Trustee the complete file of each matter whose client of record is a Debtor Entity (each, a "Debtor Matter"), including matter 085196-0000001 ("OCS Facility") and matter 085196-0000012 ("Arbor Copper Ridge and Magnolia Trace"), together with all invoices, fee statements and time records for each Debtor Matter, and including any materials of a Debtor Matter held in any data room or other repository maintained by or for HH&K. Electronically stored information shall be produced in native format with metadata intact.

4. No privilege as against the Trustee. No attorney-client privilege, work-product protection or duty of confidentiality belonging or owed to a Debtor Entity may be asserted against the Trustee as a ground for withholding any document from the file of a Debtor Matter.

5. Search terms. Within three (3) days after entry of this Order, the Trustee shall serve on HH&K, counsel to the Chapter 7 Trustee and counsel to Mr. Silber a list of search terms, consisting of the names of the Debtor Entities, the Subject Persons and the affiliated entities identified in the Subpoena (the "Search Terms").

6. Client and matter list. Within seven (7) days after service of the Search Terms, HH&K shall produce to the Trustee, and serve at the same time on counsel to the Chapter 7 Trustee and counsel to Mr. Silber, a list of every matter whose client of record or matter name matches any Search Term, stating for each matter: (a) the client number and matter number; (b) the client of record; (c) the matter name or description; (d) the responsible and billing attorneys; (e) the date

opened and, if closed, the date closed; and (f) whether the file has been returned, transferred, archived or destroyed (the "Client and Matter List"). HH&K shall not be required to determine whether any matter was opened on behalf of, or in connection with, any person other than its client of record.

7. Category Two Requests. Within fourteen (14) days after receipt of the Client and Matter List, the Trustee may serve on HH&K a written request identifying the matters on the Client and Matter List from which the Trustee seeks non-privileged information (a "Category Two Request"). The Trustee shall serve each Category Two Request at the same time on counsel to the Chapter 7 Trustee and counsel to Mr. Silber.

8. Objections and privilege review. Within fourteen (14) days after service of a Category Two Request, the Chapter 7 Trustee or Mr. Silber may serve on the Trustee and HH&K a written objection to, or request for an additional privilege review of, any matter identified in it, stating the basis. The Trustee may narrow a Category Two Request at any time to avoid the need for a privilege review. HH&K shall not produce to the Trustee any document that is the subject of a timely objection or request for privilege review until the objection or request is resolved by agreement or by order of this Court, and shall make those documents available to the objecting party for privilege review.

9. HH&K's response and privilege log. Within thirty (30) days after service of a Category Two Request, HH&K shall produce to the Trustee the non-privileged documents requested, other than those held under paragraph 8 of this Order, and shall serve on the Trustee, counsel to the Chapter 7 Trustee and counsel to Mr. Silber a log identifying, for each document withheld on the ground of privilege, its date, author and recipients, its general subject matter, the

client whose privilege is asserted, and the client and matter number. A party asserting a privilege over a document produced by HH&K for review under paragraph 8 shall log it in the same manner.

10. Disputes. Any dispute arising under this Order, including any objection under paragraph 8 and any entry on a privilege log, may be presented to this Court on notice to the Trustee, HH&K, the Chapter 7 Trustee and Mr. Silber.

11. Court order. This Order constitutes an order of a court for purposes of any rule of professional conduct permitting a lawyer to disclose information relating to the representation of a client in order to comply with a court order, including Rule 1.6(b)(6) of the New York Rules of Professional Conduct.

12. Confidentiality. All documents produced pursuant to this Order shall be subject to the Protective Order entered in these cases [ECF No. 791] and shall be treated as Confidential Information under paragraph 2 of the Protective Order whether or not marked.

13. Non-waiver. Pursuant to Federal Rule of Evidence 502(d), the production of any document under this Order to the Trustee or to the Chapter 7 Trustee shall not waive any attorney-client privilege or work-product protection of any person as against any third party.

14. Costs. Compliance with this Order is not conditioned on the payment of any costs by the Trustee. Any application by HH&K for costs under Rule 45(d)(2)(B)(ii) of the Federal Rules of Civil Procedure shall be made to this Court after compliance, on notice to the Trustee, and the Trustee's rights in response are reserved.

15. Ownership reserved. Nothing in this Order determines, or shall be cited as evidence of, the ownership or control of any entity, including Rhodium BA Holdings, LLC, Vecta Partners LLC and Sunnyside Bancorp, Inc. (n/k/a Vecta, Inc.), or whether any equity interest of Mr. Silber

vested in the Creditor Recovery Trust. All rights of the Trustee, the Chapter 7 Trustee and Mr. Silber with respect to those questions are reserved.

16. Place of production. All productions under this Order shall be made to the Trustee's accountant, HBM Management Associates, LLC, Attn: Harry Malinowski, 6 Elmwood Lane, Syosset, NY 11791, or electronically at https://www.dropbox.com/request/2rytl5v3dfbvr0em61bk, with e-mail notice to the Trustee's counsel.

17. Certification. Within two (2) business days aft er completing each production under paragraphs 3, 6 and 9 of this Order, HH&K shall file with this Court a certification of compliance describing the search undertaken and identifying the systems and custodians searched.

18. Reservation of rights. Nothing in this Order limits, waives or withdraws any Request in the Subpoena or any right of the Trustee under the Subpoena, Bankruptcy Rules 2004 and 9016, Rule 45 of the Federal Rules of Civil Procedure or section 105(a) of the Bankruptcy Code, including the right to seek fees, costs and further relief in the event of non-compliance with this Order.

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

UNITED STATES BANKRUPTCY COURT
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In re: **CBRM REALTY INC., et al.,**[1] Debtors.	Chapter 11 Case No. 25-15343 (MBK) (Jointly Administered) Hearing Date: October 29, 2026 Hearing Time: 10:00 a.m.

SUPPLEMENTAL CERTIFICATION OF RICHARD J. CORBI, ESQ. IN FURTHER SUPPORT OF THE MOTION OF THE CREDITOR RECOVERY TRUSTEE TO COMPEL HINMAN, HOWARD & KATTELL, LLP [ECF NO. 885]

I, Richard J. Corbi, of full age, hereby certify as follows:

[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.

1. I am a member of The Law Offices of Richard J. Corbi PLLC, co-counsel to RLA Consulting LLC, in its capacity as Trustee of the Creditor Recovery Trust (the "Trustee"), and I am admitted *pro hac vice* in these cases. I submit this supplemental certification in further support of the Trustee's motion [ECF No. 885] (the "Motion") and the Trustee's reply filed herewith. I have personal knowledge of the facts stated below.

2. On October 21, 2026, Daniel Kamensky, on behalf of the Trustee, and I spoke by telephone with Nir E. Gozal, Esq., formerly of Hinman, Howard & Kattell, LLP ("HH&K") and now of Berkowitz, Trager & Trager, LLC. On that call Mr. Gozal stated that he believed the client and matter list called for by Requests 1 and 2 of the Subpoena contained privileged and confidential information, and that a data room had been set up containing materials of the CBRM and Crown clients.

3. On October 22, 2026, at 8:42 p.m. (Eastern Time), I sent by e-mail to Ronald L. Greene, Esq. of HH&K, with copies to Daniel H. Roseman, Esq. and Jayden Foxx of HH&K, Mr. Kamensky and Anika Pophali, my letter of that date. A true and correct copy of the letter is annexed as **Exhibit A**.

4. As of the date of this certification, neither Mr. Greene nor anyone else at HH&K has responded to the October 22 letter. HH&K has not served a written statement of its objections to the Subpoena, has not proposed a time for the call the letter proposed, and has not provided any information about, or access to, the data room described in the letter.

5. HH&K's Statement in response to the Motion was entered on the docket on October 28, 2026 at ECF No. 897 (at 11:59 a.m.) and ECF No. 898 (at 12:19 p.m.).

I certify under penalty of perjury that the foregoing is true and correct.

Dated: October 28, 2026

/s/ Richard J. Corbi
Richard J. Corbi

EXHIBIT A

The Law Offices of Richard J. Corbi PLLC

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October 22, 2026

Via E-mail (rgreene@hhk.com)

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Re: ***In re CBRM Realty Inc., et al.*, Case No. 25-15343 (MBK) (Bankr. D.N.J.) Rule 2004 Subpoena to Hinman, Howard & Kattell, LLP dated August 24, 2026; Trustee's Motion to Compel (ECF No. 885)**

Dear Ron:

I write following a call that Dan Kamensky and I had on October 21, 2026 with Nir E. Gozal, Esq., formerly of Hinman, Howard & Kattell, LLP ("HH&K") and now of Berkowitz, Trager & Trager, LLC. On that call Mr. Gozal took the position, for the first time from anyone at or speaking for HH&K, that the client and matter list called for by Requests 1 and 2 of the Trustee's subpoena (the "Subpoena") is privileged and confidential. He also told us that a data room has been set up containing materials of the CBRM and Crown clients. Because both points are new to us, I set out below the background, the Trustee's position on the list, and three requests. The Trustee's aim is to narrow what is before Judge Kaplan on October 29, 2026.

A. Background

Service. The Subpoena was served on HH&K on August 24, 2026. Requests 1 and 2 asked for the client and matter list by August 28, 2026, ahead of the full return date of September 14, 2026 at 11:00 a.m. (Eastern Time). The list was asked for first for a reason. It is a report from the firm's billing system, it requires no document review, and it identifies which matters were opened for a Debtor and which were not.

Meet and confer. From September 9 through October 15, 2026, the client and matter list was the first item we raised with you, on calls and in writing:

- After our call on September 9, my e-mail of that day listed the client and matter list as the first priority item and suggested a group call with Mr. Gozal.
- On September 29, I asked when production would begin.

- On October 5, I wrote that the priorities remained the client and matter list and the buyer's-counsel file on the Sunnyside acquisition, and asked whether the list could be provided that day.
- After our call on October 8, I asked that the materials be placed in the Trustee's Dropbox by Monday, October 12.

HH&K has not produced the list, or anything else. It has not stated a reason for withholding the list. It did not serve written objections within the 14 days provided by Rule 45(d)(2)(B).[1]

Your October 16 letter. Your letter reported that HH&K has identified some 1,926 responsive files concerning dozens of former clients. It acknowledged that the Trustee can waive the privilege of the clients that are Debtors, citing section 2.3(a) of the Creditor Recovery Trust Agreement. It stated HH&K's intention to move by order to show cause in the Southern District of New York for guidance on the privilege claims of Mr. Silber and affiliated entities, and to condition compliance on payment of costs. The concerns your letter raised were about parsing the 1,926 files. It did not say that the client and matter list itself is privileged or confidential, and it did not ask for more time to produce it.

The Motion. To preserve the Trustee's rights before the court that authorized the examination, the Trustee filed his Motion to Compel on Sunday, October 18, 2026 (ECF No. 885), with an application to shorten time (ECF No. 886). The Court entered the Order Shortening Time on October 19, 2026 (ECF No. 887), and the Motion will be heard on October 29, 2026 at 10:00 a.m. The relief sought is deliberately narrow:

- the client and matter list within seven days, showing the client of record for each matter;
- turnover, within 21 days, of the complete files of the matters whose client of record is a Debtor or a Debtor subsidiary, to the Trustee as successor client; and
- nothing as to non-Debtor matters, which the Motion expressly leaves for a separate written demand once the list is in hand.

B. The Client and Matter List Is Not Privileged

The Trustee disagrees with the position Mr. Gozal took on the list, for four reasons.

1. **Privilege does not reach client identity or fee arrangements.** The attorney-client privilege protects confidential communications made to obtain legal advice. It does not protect the identity of a client, the fact of a retention, or fee arrangements. The narrow exception applies only where disclosing the identity would itself reveal a

[1]Fed. R. Bankr. P. 9016 (incorporating Fed. R. Civ. P. 45); Fed. R. Civ. P. 45(d)(2)(B). The Trustee reserves his position that objections not served within that period have been waived.

confidential communication.[2] New York law is the same.[3] A billing-system list of client names, client and matter numbers and matter names comes nowhere near that exception. If HH&K believes that a particular matter name would itself disclose advice, the answer is to log that entry, not to withhold the list.

2. **The Debtors' privilege belongs to the Trustee.** For every matter where the client was a Debtor or a Debtor subsidiary, the privilege has passed to the Trustee and cannot be asserted against him.[4] Your letter of October 16 acknowledges as much.

3. **Confidentiality is not a ground for withholding.** Information that is confidential but not privileged may be disclosed to comply with law or a court order, and the Protective Order entered in these cases governs its use.[5] The Trustee will treat the list as confidential under the Protective Order.

4. **HH&K already has the information.** Your letter describes the responsive files by client, and states that some of those clients are Debtors and most are not. Having made that review, HH&K is able to produce the list now.

C. The Data Room

We understand from Mr. Gozal that a data room has been set up containing materials of the CBRM and Crown clients. That was the first we had heard of it. The Trustee requests:

1. a description of the data room: who set it up, when, for which client or matter, and who has been given access to it;

2. an index of its contents; and

3. prompt access for the Trustee, this office and the Trustee's financial advisors, under the Protective Order, at a minimum to the materials of the Debtor clients.

Please also confirm that HH&K will preserve the data room in its current form, together with its access and activity logs.

D. The Basis for HH&K's Objection

If HH&K objects to any part of the Subpoena, including on privilege or confidentiality grounds as to the client and matter list, please set out its position in writing by the close of business on Monday, October 26, 2026. The response should identify each request objected to and the ground for the objection. For any privilege claim, it should give the information required by Rule

[2] *Vingelli v. U.S. Drug Enforcement Agency*, 992 F.2d 449 (2d Cir. 1993); *In re Shargel*, 742 F.2d 61, 63 (2d Cir. 1984).
[3] *Priest v. Hennessy*, 51 N.Y.2d 62, 69 (1980).
[4] *Commodity Futures Trading Comm'n v. Weintraub*, 471 U.S. 343 (1985); Creditor Recovery Trust Agreement, ECF No. 502-2, § 2.3(a).
[5] N.Y. Rules of Prof'l Conduct, Rule 1.6(b)(6) (22 N.Y.C.R.R. § 1200.0); Protective Order, ECF No. 791.

45(e)(2)(A), including the client whose privilege is asserted.[6] If Mr. Gozal was not stating HH&K's position on the list, please say so.

E. Meet and Confer Before October 29

The Trustee would like to meet and confer in an effort to limit the issues before the Court on October 29. I propose a call on Monday, October 26 or Tuesday, October 27, 2026, at a time convenient to you, and I would welcome Mr. Gozal's participation if that would help. If HH&K produces the client and matter list and provides access to the Debtor-client materials in the data room, the Trustee is prepared to discuss narrowing the relief sought in the Motion or a consensual form of order.

Nothing in this letter waives or limits any of the Trustee's rights, remedies or positions, all of which are expressly reserved, including as to the Motion.

Very truly yours,

THE LAW OFFICES OF RICHARD J. CORBI PLLC
Counsel to CBRM Creditor Recovery Trustee

/s/ Richard J. Corbi
Richard J. Corbi

cc: Daniel H. Roseman, Esq. (droseman@hhk.com)
Mr. Daniel Kamensky, Creditor Recovery Trustee

[6]Fed. R. Civ. P. 45(e)(2)(A).