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April 28, 2024

The Honorable John K. Sherwood
United States Bankruptcy Judge for the
District of New Jersey
50 Walnut Street, 3rd Floor
Newark, N.J. 07102
Courtroom 3D

Re: In re WeWork, Inc., et. al.
Case No. 23-19865

Response to Letter Filed by Arthur J. Abramowitz [Docket No. 1768] in
connection with Objection to Adjournment Request and *Notice of
Adjournment* [Docket Nos. 1764, 1765] regarding Motion to Appoint
Examiner

Dear Judge Sherwood:

On April 26, 2024, the Ad Hoc Group of Noteholders (the “Ad Hoc Group”) adjourned Pleadings related to its *Motion of the Ad Hoc Group of Noteholders Requesting (I) Appointment of an Examiner Pursuant to section 1104(c) of the Bankruptcy Code, and (II) Derivative Standing to Prosecute Estate Causes of Action* [Docket No. 1337] (the “Examiner Motion”).¹ Yesterday, counsel to landlord Kato International, LLC (“Kato”) filed a letter in connection with the above-referenced chapter 11 proceedings (the “Kato Letter”). The Kato Letter misrepresents the nature of Kato’s joinder to the Examiner Motion (the “Joinder”) [Docket No. 1722].

¹ The “Pleadings” include the Examiner Motion, along with the *Motion of the Ad Hoc Group of Holders of WeWork’s Unsecured Notes for Entry of an Order Authorizing the Filing of the Examiner Motion Under Seal* [Docket No. 1338] and the *Amended Motion of the Ad Hoc Group of Holders of WeWork’s Unsecured Notes for Entry of an Order Authorizing the Filing of the Examiner Motion Under Seal* [Docket No. 1339]; and *Notice of Filing of Supplement to Motion Requesting (I) the Appointment of an Examiner Pursuant to Section 1104(c) of the Bankruptcy Code, and (II) Derivative Standing to Prosecute Causes of Action* [Docket No. 1400]. Capitalized terms undefined in this letter shall have the meaning ascribed to them in the Pleadings.

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The Debtors do not deny that there was no outreach to Kato on the issue. None was required. As the Joinder makes clear, “Kato join[ed] in the Examiner Motion (including the Supplement filed thereto), *solely to the extent it seeks appointment of an Examiner pursuant to the provisions of Section 1104(c) of the Bankruptcy Code.*” Joinder ¶ 3 (emphasis added). Kato did not file its own motion seeking to appoint an examiner nor did it seek to be heard on appointment of the examiner. In joining the Examiner Motion rather than seeking its own independent relief, Kato consented to the Ad Hoc Group’s requested relief and tied its own request for relief to the fate of the Examiner Motion. Kato’s request is therefore erroneous as a matter of procedure.

Far from a “procedural ambush,” the Ad Hoc Group has adjourned the Pleadings to the hearing at which the Court will consider confirmation of the Plan and final approval of the Disclosure Statement. At that time, Kato will have a right to be heard on the Examiner Motion.

The Debtors respectfully request that the Court strike and disregard the Kato Letter as procedurally improper.

Respectfully submitted,

/s/ Bill Arnault

Bill Arnault, P.C.