

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:

WEWORK INC., *et. al.*,<sup>1</sup>

Debtors.

Case No.: 23-19865 (JKS)

Chapter 11

(Jointly Administered)

<sup>1</sup> The last four digits of the Debtor WeWork Inc.'s taxpayer identification number are 4904. A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' proposed claims and noticing agent at <https://dm.epiq11.com/WeWork>. The location of Debtor WeWork Inc.'s principal place of business is 12 East 49th Street, 3rd Floor, New York, NY 10017, and the Debtors' service address in these chapter 11 cases is WeWork Inc. c/o Epiq Corporate Restructuring, LLC 10300 SW Allen Blvd., Beaverton, OR 97005.

**IQHQ-AVENTINE WEST, LP'S**  
**STATEMENT OF ISSUES AND DESIGNATION OF RECORD**

Pursuant to Rule 8009(a) of the Federal Rules of Bankruptcy Procedure, IQHQ-Aventine West, LP ("IQHQ"), by and through its undersigned proposed counsel, respectfully submits the following statement of issues to be presented on appeal and designation of items for inclusion in the record on appeal in connection with IQHQ's appeal from the following order:

**STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL**

1. Whether the Bankruptcy Court erred in granting Debtors' Motion For Entry of An Order (I) Pursuant to Section 365(d)(4) of the Bankruptcy Code Extending Debtors' Time to Assume or Reject Unexpired Leases of Non-Residential Real Property and (II) Granting Related Relief (the "Motion")?

2. Whether the Bankruptcy Court erred in determining that the time period to assume or reject unexpired nonresidential real property leases under section 365(d)(4) of the of the Bankruptcy Code was automatically extended upon the filing of the Motion pursuant to the terms of the Bankruptcy Court's Order (I) Establishing Certain Notice, Case Management, and Administrative Procedures and (II) Granting Related Relief (the "Case Management Order") without either (a) bankruptcy court approval or (b) a finding of cause for an extension, prior to the expiration of the 120-day period provided by Bankruptcy Code section 365(d)(4) to assume or reject unexpired nonresidential real property leases?

3. Whether the Bankruptcy Court erred in determining that it could approve the extension of time to assume or reject unexpired nonresidential real property leases under section 365(d)(4) of the Bankruptcy Code as requested in the Motion after the original time period to assume or reject had expired?

4. Whether, to the extent the Bankruptcy Court determined that cause existed, the Bankruptcy Court erred in finding that cause existed to extend the time to assume or reject unexpired nonresidential real property leases under section 365(d)(4) of the Bankruptcy Code as requested in the Motion after the original time period to assume or reject had expired?

5. Whether the Bankruptcy Court exceeded its jurisdiction by entering the Case Management Order to the extent it, in any way, modified the substantive requirements set forth in Section 365(d)(4) of the Bankruptcy Code to extend the time period to assume or reject unexpired nonresidential real property leases?

**DESIGNATION OF RECORD ON APPEAL**

Without waiving any arguments on appeal, IQHQ designates each of the following documents and transcripts of hearing for inclusion in the record on appeal (including any exhibit, annex, appendix, addendum, or schedule thereto).

**Documents Filed in Case No. 23-19865 Filed by WeWork Inc.**

<b>Designation No.</b>	<b>Filing Date</b>	<b>Docket No.</b>	<b>Description</b>
1	November 6, 2023	1	Voluntary Petition for Non-Individual Filing Filed by Michael D. Sirota on behalf of WeWork Inc.
2	November 6, 2023	2	Case Assignment. Judge John K. Sherwood added to the case
3	November 7, 2023	12	Notice of Debtors' Motion and Motion For Entry of an Order (I) Authorizing and Approving Procedures to Reject or Assume Executory Contracts and Unexpired Leases, and (II) Granting Related Relief
4	November 7, 2023	18	Debtors' Motion For Entry of an Order (I) Establishing Certain Notice, Case Management, and Administrative Procedures and (II) Granting Related Relief
5	November 7, 2023	21	Declaration of David Tolley, Chief Executive Officer of Wework Inc., in Support of Chapter 11 Petitions and First Day Motions
6	November 7, 2023	41	Debtors' Motion for Entry of an Order (I) Directing Joint Administration of Chapter 11 Cases and (II) Granting Related Relief

<b>Designation No.</b>	<b>Filing Date</b>	<b>Docket No.</b>	<b>Description</b>
7	November 8, 2023	87	Order (I) Directing Joint Administration of Chapter 11 Cases and (II) Granting Related Relief
8	November 8, 2023	100	Order (I) Establishing Certain Notice, Case Management, and Administrative Procedures and (II) Granting Related Relief
9	November 8, 2023	120	Transcript of Hearings re, among other matters, (1) Motion re: For Entry of an Order (I) Authorizing and Approving Procedures to Reject or Assume Executory Contracts and Unexpired Leases, and (II) Granting Related Relief; and (2) Motion re: For Entry of an Order (I) Establishing Certain Notice, Case Management, and Administrative Procedures and (II) Granting Related Relief  <b>[TRANSCRIPT HAS BEEN ORDERED]</b>
10	January 23, 2024	1194	Official Committee of Unsecured Creditors' Statement in Support of the Landlords' Motions to Compel Rent Payment
11	March 4, 2024	1453	Notice of Debtor's Motion and Motion For Entry of An Order (I) Pursuant to Section 365(d)(4) of the Bankruptcy Code Extending Debtors' Time to Assume or Reject Unexpired Leases of Non-Residential Real Property and (II) Granting Related Relief
12	March 27, 2024	1568	Legacy West Investors, LP's Limited Objection to Debtors' Motion for Entry of an Order (I) Pursuant to Section 365(d)(4) of the Bankruptcy Code Extending Debtors' Time to Assume or Reject Unexpired Leases of Non-Residential Real Property and (II) Granting Related Relief
13	April 11, 2024	1633	Notice of Adjournment
14	April 11, 2024	1634	Adjournment Request

<b>Designation No.</b>	<b>Filing Date</b>	<b>Docket No.</b>	<b>Description</b>
15	April 17, 2024	1674	Objection of IQHQ-Aventine West, LP to Debtors' Motion for Entry of an Order (I) Pursuant to Section 365(d)(4) of the Bankruptcy Code Extending Debtors' Time to Assume or Reject Unexpired Leases of Non-Residential Real Property and (ii) Granting Related Relief
16	April 17, 2024	1681	Joinder of Simon Property Group, Inc. to Objection of IQHQ-Aventine West, LP to Debtor's Motion for Entry of Order (I) Pursuant to Section 365(d)(4) of the Bankruptcy Code Extending Debtors' Time to Assume or Reject Unexpired Leases of Non-Residential Real Property and (II) Granting Related Relief
17	April 18, 2024	1682	Costar Central Place HQ, LLC's Objection to Debtors Motion for Entry of an Order (I) Pursuant To Section 365(D)(4) of the Bankruptcy Code Extending Debtors' Time to Assume or Reject Unexpired Leases Of Non-Residential Real Property and (II) Granting Related Relief
18	April 19, 2024	1699	Objection to Debtors Motion For Entry Of an Order (I) Pursuant To Section 365(D)(4) Of The Bankruptcy Code Extending Debtors Time to Assume or Reject Unexpired Leases of Non-Residential Real Property and (II) Granting Related Relief
19	April 25, 2024	1734	Notice of Assumption of Certain Executory Contracts and/or Unexpired Leases
20	April 25, 2024	1735	Debtors' Reply In Support of Debtors' Motion for Entry of an Order (I) Pursuant to Section 365(d)(4) of the Bankruptcy Code Extending Debtors' Time to Assume or Reject Unexpired Leases of Non-Residential Real Property and (II) Granting Related Relief
21	April 26, 2024	1738	Omnibus Declaration of Daniel O'Brien in Support of (A) Debtors' Motion for Entry of an Order (I) Pursuant to Section 365(d)(4) of the Bankruptcy Code Extending Debtors' Time to

Designation No.	Filing Date	Docket No.	Description
			Assume or Reject Unexpired Leases of Non-Residential Real Property and (II) Granting Related Relief; and (B) Debtors' Motion for Entry of an Order (I) Extending the Debtors' Exclusive Periods to File a Chapter 11 Plan and Solicit Acceptances Thereof Pursuant to Section 1121 of the Bankruptcy Code and (II) Granting Related Relief
22	April 29, 2024	1786	Order (I) Pursuant to Section 365(d)(4) of the Bankruptcy Code Extending Debtors' Time to Assume or Reject Unexpired Leases of Non-Residential Real Property and (II) Granting Related Relief
23	April 29, 2024	1820	Transcript of Hearing re Motion For Entry of An Order (I) Pursuant to Section 365(d)(4) of the Bankruptcy Code Extending Debtors' Time to Assume or Reject Unexpired Leases of Non-Residential Real Property and (II) Granting Related Relief  <b>[TRANSCRIPT HAS BEEN ORDERED]</b>
24	May 13, 2024	1908	Objection of IQHQ-Aventine West, LP to Debtors' Notice of Assumption of Certain Executory Contracts and/or Unexpired Leases
25	May 13, 2024	1909	Notice of Appeal to United States District Court for the District of New Jersey Court

**Documents Filed in Case No. 23-20226 Filed by  
Debtor 8910 University Center Lane Tenant LLC**

Designation No.	Filing Date	Docket No.	Description
1	November 6, 2023	1	Voluntary Petition for Non-Individual Filing for Bankruptcy Filed by Michael D. Sirota on behalf of 8910 University Center Lane Tenant LLC
2	November 7, 2023	2	Case Assignment. Judge John K. Sherwood added to the case

Designation No.	Filing Date	Docket No.	Description
3	November 7, 2023	3	Debtors' Motion for Entry of an Order (I) Directing Joint Administration of Chapter 11 Cases and (II) Granting Related Relief
4	November 8, 2024	4	Order (I) Directing Joint Administration of Chapter 11 Cases and (II) Granting Related Relief

Date: May 27, 2024

Respectfully Submitted,

**KELLEY DRYE & WARREN LLP**

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