

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

ONH AFC CS INVESTORS LLC, *et al.*<sup>1</sup>  
Debtors.

Chapter 11 (Subchapter V)

Case No. 23–10931 (CTG)

(Jointly Administered)

**THE SCHWARTZ-NIGHTINGALE PARTIES’ WITNESS AND EXHIBIT LIST  
FOR HEARING ON FEBRUARY 5, 2025, AT 3:00 P.M. (ET)**

The Schwartz-Nightingale Parties,<sup>2</sup> by and through undersigned counsel, submit this witness and exhibit list (the “Witness & Exhibit List”) for the hearing scheduled for February 5, 2025, at 3:00 p.m. (ET) (the “Hearing”) before the Honorable Craig T. Goldblatt, at the United States Bankruptcy Court for the District of Delaware, located at 824 N. Market Street, 3rd Floor, Courtroom 7, Wilmington, Delaware 19801.

**WITNESSES**

The Schwartz-Nightingale Parties designate the following person as a witness who may be called at the Hearing:

1. Mr. Elchonon (“Elie”) Schwartz

Scope of testimony. Mr. Schwarz will testify regarding the Motion of Schwartz-Nightingale Parties to Quash Subpoenas Issued by Liquidating Trustee of the ONH Liquidating Trust [D.I. 371], the Objection of

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<sup>1</sup> The last four digits of the Debtors’ federal tax identification numbers are 1199 (ONH AFC CS Investors LLC) and 6326 (ONH 1601 CS Investors LLC). The Debtors’ mailing address is 3445 Peachtree Road, Suite 1225 Atlanta, GA 30326.

<sup>2</sup> The Schwartz-Nightingale Parties comprise: Mr. Elchonon (“Elie”) Schwartz; One Night Holdings LLC; Nightingale Properties, LLC; One Night Properties LLC; ES 28 Holdings LLC; 2 ES28 Investments LLC; Nightingale Property Group LLC; The Nightingale Group, LLC; Nightingale Realty, LLC; Nite Sky Management LLC; AAF 1601 Washington Ave TIC; ONH 2226 Third Ave LLC; Five Park 3003 LLC; 1 Westend PH-A LLC; 320 Mountain Road LLC; 1835 Market Investors LLC; 1635 Market Investors LLC; 1500 Spring Garden Investors LLC; NG 1601 Washington Ave LLC; Midnight Capital Partners LLC; ONH Promote LLC; ES 1 Westend Residence Trust; The Elchonon Schwartz Family Trust; ES28 Investments Trust; ES ONH Trust; and ES Family Life Insurance Trust dated 06.22.2022.

Schwartz-Nightingale Parties to Liquidating Trustee's Motion for Entry of an Order (I) Enforcing the Confirmation Order, Schwartz Nightingale Settlement, and Security Agreement, (II) Approving the Trust's Exercise of Voting Rights and the Trust Acting as Attorney-in-Fact of Certain Schwartz Nightingale Parties, and (III) Granting Related Relief [D.I. 386], and the issues raised therein.

### **EXHIBITS**

The Schwartz-Nightingale Parties designate the following exhibits below that may be used at the Hearing:

<b>Exhibit No.</b>	<b>Document Description</b>	<b>Docket No.</b>
1.	Certification of Judgment for Registration in Another District filed May 30, 2024, initiating S.D.N.Y. Proceeding	Case No. 24-mc-00247-LAK (S.D.N.Y.), D.I. 1
2.	Miscellaneous Case Cover Sheet filed May 30, 2024, initiating S.D.N.Y. Proceeding	Case No. 24-mc-00247-LAK (S.D.N.Y.), D.I. 2
3.	S.D.N.Y. Proceeding Docket as of February 3, 2025	n/a
4.	October 25, 2024, document subpoena to Bank of America in S.D.N.Y. Proceeding	n/a
5.	November 4, 2024, letter from Bank of America to Elchonon Schwartz	n/a
6.	November 8, 2024, letter from Jorian Rose to Elchonon Schwartz	n/a
7.	November 18-19, 2024, emails between Patrick Jackson, Danielle Merola, and Jorian Rose re: "ONH – Nightingale Parties"	n/a
8.	November 25, 2024, email from Brian Allen to Patrick Jackson re: "ONH v. Schwartz – 24-MC-00247(SDNY) – Document Subpoena to Bank of America"	n/a
9.	Subpoenas referenced as Exhibit A to Motion of Schwartz-Nightingale Parties to Quash Subpoenas Issued by Liquidating Trustee of the Motion of the ONH Liquidating Trust	D.I. 371-1
10.	Settlement and Conditional Release Agreement dated October 2, 2023, between Debtors and Schwartz-Nightingale Parties	D.I. 214-1 at 63-77
11.	May 20, 2024, emails between Anna Phillips and Elie Schwartz re: "PH update"	n/a

12.	May 21, 2024, email from Anna Phillips to Elie Schwartz re: "PH"	n/a
13.	May 23, 2024, letter agreement between Elchonon Schwartz, 1 Westend PH-A LLC, and ONH Liquidating Trust re: marketing and occupancy of Apartment	D.I. 378, Ex F (sealed); D.I. 381, Ex. F (public)
14.	Residential Lease dated May 23, 2024, between 1 Westend PH-A LLC and Elchonon Schwartz	D.I. 378, Ex E (sealed); D.I. 381, Ex. E (public)
15.	Listing agreement between 1 Westend PH-A LLC and Douglas Elliman Real Estate executed May 23, 2024	n/a
16.	May 28, 2024, emails between Anna Phillips and Elie Schwartz re: "1 Westend"	n/a
17.	July 29, 2024, emails between Elie Schwartz and Joe Pegnia re: "Proposal to Trust RE: Intervest & My Condo"	n/a
18.	October 21, 2024, email from Elie Schwartz to Joe Pegnia re: "1 Westend & 320 Mountain Rd."	n/a
19.	October 23, 2024, emails between Anna Phillips and Elie Schwartz re: "Feedback on your offer for the PH"	n/a
20.	January 2, 2025, email from Anna Phillips to Elie Schwartz re: "Condo"	n/a

The Schwartz-Nightingale Parties also cross-designate all exhibits designated by any other party in connection with the Hearing and reserves the right to use demonstratives as well as additional exhibits for rebuttal or impeachment purposes.

Dated: February 3, 2025

**FAEGRE DRINKER BIDDLE & REATH LLP**

/s/ Patrick A. Jackson

Patrick A. Jackson (No. 4976)

Ryan M. Messina (No. 6875)

222 Delaware Avenue, Suite 1410

Wilmington, DE 19801

Telephone: (302) 467-4200

Facsimile: (302) 467-4201

Email: [patrick.jackson@faegredrinker.com](mailto:patrick.jackson@faegredrinker.com)

[ryan.messina@faegredrinker.com](mailto:ryan.messina@faegredrinker.com)

Brian P. Morgan

1177 Avenue of the Americas, 41st Floor

New York, NY 10036

Telephone: (212) 248-3140

Facsimile: (212) 248-3141

Email: [brian.morgan@faegredrinker.com](mailto:brian.morgan@faegredrinker.com)

*Counsel to the Schwartz-Nightingale Parties*