

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

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Jay L. Lubetkin, Liquidation Trustee

In re:

ATLANTIC NEUROLOGICAL SPECIALISTS, P.A.
et al.,

Debtors.

Chapter 11

Case No. 24-15726 (VFP)

Jointly Administered

Honorable Vincent Papalia

**APPLICATION FOR ENTRY OF A CONSENT ORDER PURSUANT TO 11 U.S.C. §
365(d)(4) EXTENDING THE TIME TO ASSUME OR REJECT EXECUTORY
CONTRACTS OR UNEXPIRED LEASES OF NONRESIDENTIAL REAL PROPERTY
AND GRANTING RELATED RELIEF**

The Application of Jay L. Lubetkin, the Liquidation Trustee (the “Liquidation Trustee”) of the ANS Liquidation Trust of Atlantic Neurosurgical Specialists, P.A., ANS Newco, LLC, and Hanover Hills Surgery Center, LLC (collectively, the “Debtors”), for entry of a Consent Order extending the time within which the Liquidation Trustee must assume or reject any executory contract (the “Agreements”) designated for assumption and assignment under the Hanover Hills Surgery Center, LLC Asset Purchase Agreement and the unexpired lease (the “Lease”) of nonresidential real property respecting the Hanover Hills Surgery Center, LLC, through and including the closing of the sale of the assets of Hanover Hills Surgery Center LLC, respectfully show unto the Court as follows:

1. I am the Liquidation Trustee pursuant to the ANS Liquidation Trust created in connection with confirmation of the Joint Chapter 11 Plan of Liquidation of the Debtors. I make this Application in support of the entry of a Consent Order extending the time to assume or reject executory contracts or unexpired leases designated for assumption and assignment under the Hanover Hills Surgery Center, LLC Asset Purchase Agreement.

2. The Confirmation Order entered by the Court on February 26, 2025 provides that the time within which the executory contracts and unexpired lease designated for assumption and assignment in connection with the Hanover Hills Surgery Center, LLC Asset Purchase Agreement is the date of closing of that Asset Purchase Agreement,

3. However, subsequent to the entry of the Confirmation Order, on March 10, 2025, the Court entered an Order establishing May 8, 2025 as the deadline for the assumption or rejection of such Agreements.

4. Given the fact that the extension Order was entered by the Court after the entry of the Confirmation Order, it creates a potential conflict with the previously entered Confirmation Order, and could arguably be interpreted as modifying the Confirmation Order and making the extension deadline May 8, 2025.

5. In order to preserve the ability to close on the Asset Purchase Agreement and clarify that potential inconsistency, the Liquidation Trustee believes it reasonable, necessary, and appropriate that the Bankruptcy Court enter the Consent Order submitted herewith extending the period of time within which the Liquidation Trustee may assume or reject such agreements through closing.

6. The Liquidation Trustee notes that the Consent Order has been executed by counsel for the landlord, such that the Bankruptcy Code limitations on the extension of time set forth therein which might otherwise apply, do not prohibit entry of the Consent Order.

7. Because the language in the most recent extension Order indicates the deadline to assume or reject such agreements is May 8, 2025, the Liquidation Trustee respectfully requests entry of the submitted Consent Order on or before May 8, 2025.

8. The Liquidation Trustee further shows that he has served this Application and the proposed Consent Order on all parties in interest that may be affected thereby. The Liquidation Trustee further shows that all such parties in interest were previously served with a copy of the Confirmation Order, which on its face extends the period of time within which such agreements may be assumed or rejected through closing.

WHEREFORE, the Trustee respectfully requests entry of the submitted Consent Order.

RABINOWITZ, LUBETKIN & TULLY, LLC
Jay L. Lubetkin, Liquidation Trustee

By: /s/ Jay L. Lubetkin

JAY L. LUBETKIN

DATED: May 5, 2025