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April 27, 2024

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

Objection to Adjournment Request and *Notice of Adjournment*
[Docket Nos. 1764, 1765)] regarding Motion to Appoint Examiner

Dear Judge Sherwood:

This office serves as counsel to landlord Kato International, LLC ("Kato") in connection with the above-referenced chapter 11 proceedings. Kato is a party to the Motion to Appoint an Examiner (the "Examiner Motion") [Docket No. 1337] by way of its filing of a Joinder to Examiner Motion (the "Joinder") [Docket No. 1722].[1]

D.N.J. LBR 5071-1 requires the submission of a Local Form *Adjournment Request* (the "Local Form") when a party desires to adjourn a pending motion. Paragraph 2 of the the Local Form contains a section whereby the party requesting the adjournment indicates whether they have obtained consent of **all parties**. On April 26, 2024, at approximately 11:27 p.m., counsel to the Ad Hoc Group of Holders of WeWork's Unsecured Notes (the "Ad Hoc Group") submitted a Local Form *Adjournment Request* (the "Adjournment Request") seeking to adjourn the Examiner Motion [Docket No. 1764]. That submission indicated that the Ad Hoc Group had consent of all parties. This is false.

In fact, there has been no outreach by the movants on this issue. Jack Rose, Esq., left a voicemail for Robert Stark, Esq. (counsel to the Ad Hoc Group) prior to the submission of the Adjournment Request asking Mr. Stark to contact him. Mr. Stark did not return that call, and neither Sherman Silverstein, nor Mr. Rose's firm, was contacted by any counsel to the Ad Hoc Group (or by Debtors' counsel), in connection with the Adjournment Request. This is surprising

[1] Kato's Joinder is limited to the appointment of an Examiner. As the factual findings required under the holding of the United States Court of Appeals for Third Circuit in *In re FTX Holding Ltd.,* 91 F.4th 148 (3d Cir. 2024), are limited, we request that we are allowed to be heard early during the hearing on April 29, 2024, for the purposes of having the Examiner Motion brought back on the calendar for the sole purpose of having a hearing to appoint an Examiner under the holding in *FTX.*

due to the fact that Kato filed the Joinder to the Examiner Motion. Kato has not, and does not, consent to the Adjournment Request. This is tantamount to a procedural ambush filed at the 11th hour without notice or consent.

Notwithstanding the Ad Hoc Groups' *Notice of Adjournment* [Docket No. 1765], which was filed minutes after the Adjournment Request, Kato respectfully requests to be heard on the scheduling of the Examiner Motion at the top of the Court's calendar on April 29, 2024.

Thank you for the Court's consideration.

Respectfully submitted,

/s/ Arthur J. Abramowitz */s/ Jack J. Rose*

ARTHUR J. ABRAMOWITZ JACK J. ROSE

cc: All notice of appearance parties (via ECF)