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Nov 14 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable George M. McFaddin, Jr., Circuit Court Judge

Case No. 2023-CP-10-01512
Appellate Case No. 2024-000723

Charleston SC Property Holdings, LLC, Hanahan SC Property Holdings, LLC, and Michael
Flanagan, Receiver.....Respondents,

v.

Rittenberg OP, LLC, Hanahan OP, LLC, Goldner Capital Management, LLC, SC Two
OP Holdings, LLC, and Samuel Goldner.....Appellants.

SUGGESTION OF BANKRUPTCY

On October 10, 2024, Goldner Capital Management, the Defendant herein named, filed a Chapter 11 Voluntary Petition for Bankruptcy with the United States Bankruptcy Court, Eastern District of New York. The proceeding is captioned In Re: Goldner Capital Management LLC and it has been assigned Case No. 24-73789-ast.¹

Accordingly, the undersigned counsel on behalf of the parties below named hereby suggest that this action has been stayed by the operation of Title 11 U.S.C. § 362, Automatic Stay. See In re Byrd, 357 F.3d 433, 439 (4th Cir. 2004) (“The plain language of Section 362 stays appellate proceedings in actions originally brought against the debtor, even when it is the debtor who files the appeal.”).

¹ A copy of the current Docket Report is attached hereto as Exhibit 1.

Respectfully submitted,

/s/ Thomas P. Gressette, Jr.

Thomas P. Gressette, Jr. (SC Bar #14065)

WALKER GRESSETTE & LINTON, LLC

Direct: (843) 727-2249

Email: Gressette@WGLFIRM.com

Mail: P.O. Drawer 22167, Charleston, SC 29413

Aharon S. Kaye (pro hac vice)

GUTNICKI LLP

4711 Golf Road, Suite 200,

Skokie, Illinois 60076

Telephone: (847) 745-6594

Email: akaye@gutnicki.com

ATTORNEYS FOR RESPONDENTS

CHARLESTON SC PROPERTY

HOLDINGS, LLC, and HANAHAN SC

PROPERTY HOLDINGS, LLC,

November 14, 2024
Charleston, South Carolina

EXHIBIT 1

ProHacVice, PlnDue, DsclsDue, RELATED, JNTADMN, LEAD

**U.S. Bankruptcy Court
Eastern District of New York (Central Islip)
Bankruptcy Petition #: 8-24-73789-ast**

Assigned to: Judge Alan S. Trust
Chapter 11
Voluntary
Asset

Date filed: 10/02/2024
341 meeting: 12/05/2024
Deadline for filing claims: 12/16/2024
Deadline for filing claims (govt.): 03/31/2025

Debtor

Goldner Capital Management LLC
20 East Sunrise Highway
Valley Stream, NY 11581
NASSAU-NY
Tax ID / EIN: 82-4899106

represented by **Melanie A FitzGerald**

LaMonica Herbst & Maniscalco LLP
3305 Jerusalem Avenue
Suite 201
Wantagh, NY 11793
516-826-6500
Fax : 516-826-0222
Email: MFitzgerald@lhmlawfirm.com

Gary F. Herbst

LaMonica Herbst & Maniscalco, LLP
3305 Jerusalem Avenue, Suite 201
Wantagh
Wantagh, NY 11793
(516) 826-6500
Fax : (516) 826-0222
Email: gh@lhmlawfirm.com

Cristina Mihaela Lipan

LaMonica Herbst & Maniscalco, LLP
3305 Jerusalem Avenue
Wantagh, NY 11793
(516) 826-6500
Fax : (516) 826-0222
Email: cl@lhmlawfirm.com

Joseph S Maniscalco

LaMonica Herbst Maniscalco
3305 Jerusalem Avenue
Wantagh, NY 11793
(516) 826-6500
Fax : (516) 826-0222
Email: jsm@lhmlawfirm.com

Lon J Seidman

EXHIBIT 1

LaMonica Herbst & Maniscalco, LLP
3305 Jerusalem Avenue
Suite 201
11793
Wantagh, NY 11793
516-826-6500
Fax : 516-826-0222
Email: ls@lhmlawfirm.com

Adam P Wofse
Lamonica Herbst & Maniscalco LLP
3305 Jerusalem Avenue
Wantagh, NY 11793
(516) 826-6500
Fax : (516) 826-0222
Email: AWofse@lhmlawfirm.com

Jointly Administered Debtor
GCM Manager LLC
20 East Sunrise Highway
Valley Stream, NY 11581
Tax ID / EIN: 82-4899106

represented by **Melanie A FitzGerald**
(See above for address)

Gary F. Herbst
(See above for address)

Cristina Mihaela Lipan
(See above for address)

Joseph S Maniscalco
(See above for address)

Lon J Seidman
(See above for address)

Adam P Wofse
(See above for address)

Jointly Administered Debtor
GCM PARKSIDE LLC
20 East Sunrise Highway
Valley Stream, NY 11581
Tax ID / EIN: 86-1586594

represented by **Melanie A FitzGerald**
(See above for address)

Gary F. Herbst
(See above for address)

Cristina Mihaela Lipan
(See above for address)

Joseph S Maniscalco
(See above for address)

Lon J Seidman
(See above for address)

Adam P Wofse

EXHIBIT 1

(See above for address)

Jointly Administered Debtor

GCM UP LLC

20 East Sunrise Highway
Valley Stream, NY 11581
Tax ID / EIN: 82-7004733

represented by **Melanie A FitzGerald**

(See above for address)

Gary F. Herbst

(See above for address)

Cristina Mihaela Lipan

(See above for address)

Joseph S Maniscalco

(See above for address)

Lon J Seidman

(See above for address)

Adam P Wofse

(See above for address)

Jointly Administered Debtor

GCM WASH LLC

20 East Sunrise Highway
Valley Stream, NY 11581
Tax ID / EIN: 82-7004733

represented by **Melanie A FitzGerald**

(See above for address)

Gary F. Herbst

(See above for address)

Cristina Mihaela Lipan

(See above for address)

Joseph S Maniscalco

(See above for address)

Lon J Seidman

(See above for address)

Adam P Wofse

(See above for address)

Jointly Administered Debtor

LHW MASTER TENANT LLC

20 East Sunrise Highway
Valley Stream, NY 11581
Tax ID / EIN: 82-7004733

represented by **Melanie A FitzGerald**

(See above for address)

Gary F. Herbst

(See above for address)

Cristina Mihaela Lipan

(See above for address)

Joseph S Maniscalco

(See above for address)

EXHIBIT 1

Lon J Seidman

(See above for address)

Adam P Wofse

(See above for address)

Jointly Administered Debtor

Missouri MT Holdings LLC

20 East Sunrise Highway

Valley Stream, NY 11581

Tax ID / EIN: 84-4402178

represented by **Melanie A FitzGerald**

(See above for address)

Gary F. Herbst

(See above for address)

Cristina Mihaela Lipan

(See above for address)

Joseph S Maniscalco

(See above for address)

Lon J Seidman

(See above for address)

Adam P Wofse

(See above for address)

Assist. U.S. Trustee

Christine H Black

US Department of Justice

Office of the U.S. Trustee

560 Federal Plaza

Central Islip, NY 11722

(631) 715-7800

U.S. Trustee

United States Trustee

Long Island Federal Courthouse

560 Federal Plaza - Room 560

Central Islip, NY 11722-4437

(631) 715-7800

Filing Date	#	Docket Text
10/02/2024	1 (19 pgs)	Chapter 11 Voluntary Petition for Non-Individuals. Fee Amount \$ 1738. Filed by Gary F. Herbst on behalf of GOLDNER CAPITAL MANAGEMENT LLC Chapter 11 Plan due by 01/30/2025. Disclosure Statement due by 01/30/2025. (Herbst, Gary) (Entered: 10/02/2024)

EXHIBIT 1

10/02/2024		Receipt of Voluntary Petition (Chapter 11)(8-24-73789) [misc,volp11a] (1738.00) Filing Fee. Receipt number A22998855. Fee amount 1738.00. (re: Doc# 1) (U.S. Treasury) (Entered: 10/02/2024)
10/02/2024	2 (1 pg)	Statement of Corporate Ownership filed. Filed by Adam P Wofse on behalf of GOLDNER CAPITAL MANAGEMENT LLC (Wofse, Adam) (Entered: 10/02/2024)
10/02/2024	3 (2 pgs)	Statement <i>Limited Liability Company Resolution</i> Filed by Melanie A FitzGerald on behalf of GOLDNER CAPITAL MANAGEMENT LLC (FitzGerald, Melanie) (Entered: 10/02/2024)
10/02/2024	4 (10 pgs)	Statement <i>Declaration of Samuel Goldner, Pursuant to Local Bankruptcy Rule 1007-4</i> Filed by Joseph S Maniscalco on behalf of GOLDNER CAPITAL MANAGEMENT LLC (Maniscalco, Joseph) (Entered: 10/02/2024)
10/02/2024		The above case is related to Case Number(s) 24-73790-ast GCM Manager LLC; 24-73791-ast GCM Parkside LLC; 24-73792-ast GCM UP LLC; 24-73792-ast GCM UP LLC; 24-73794-ast LHW Master Tenant LLC; 24-73795-ast Missouri MT Holdings LLC. (ylr) (Entered: 10/02/2024)
10/02/2024	5 (3 pgs; 2 docs)	Deficient Filing Chapter 11 Voluntary Petition [Pages 1-8] To include NAICS code due by 10/2/2024. Corporate Disclosure Statement Pursuant to FBR 1073-3 due 10/2/2024. Disclosure of Compensation of Attorney for Debtor. 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016(b) (Official Form 2030) due 10/16/2024. Summary of Assets and Liabilities for Non-Individuals Official Form 206Sum due by 10/16/2024. Schedule A/B due 10/16/2024. Schedule D due 10/16/2024. Schedule E/F due 10/16/2024. Schedule G due 10/16/2024. Schedule H due 10/16/2024. Declaration Under Penalty of Perjury for Non Individual Debtors Official Form 202 due 10/16/2024. List of Equity Security Holders due 10/16/2024. Statement of Financial Affairs Non-Ind Form 207 due 10/16/2024. Incomplete Filings due by 10/16/2024. (ylr) (Entered: 10/02/2024)
10/02/2024	6 (6 pgs)	Refiled Petition Re: Forms Modernization 2015 (Pgs 1-4)for Non-Individuals; NAICS Code Filed by Gary F. Herbst on behalf of Goldner Capital Management LLC (Herbst, Gary) (Entered: 10/02/2024)
10/03/2024	7 (4 pgs; 2 docs)	Meeting of Creditors Filed by Christine H Black. 341(a) meeting to be held on 11/6/2024 at 02:00 PM at Telephonic Meeting: Phone 1 (877) 960-2850, Participant Code 5942427, Enter # sign. (Black, Christine) (Entered: 10/03/2024)
10/03/2024	8 (5 pgs; 2 docs)	Order Scheduling Initial Case Management Conference. Status hearing to be held on 11/13/2024 at 11:30 AM at Courtroom 960 (Judge Trust), CI, NY. Signed on 10/3/2024 (ymm) (Entered: 10/04/2024)

EXHIBIT 1

10/03/2024	9 (5 pgs)	Order Establishing Deadline for Filing Proofs of Claim. Proofs of Claims due by 12/16/2024. Government Proof of Claim due by 3/31/2025. Signed on 10/3/2024 (ymm) (Entered: 10/04/2024)
10/03/2024	10 (5 pgs)	Please Disregard/Duplicate Entry-Order Establishing Deadline for Filing Proofs of Claim. Signed on 10/3/2024. Proofs of Claims due by 12/16/2024. Government Proof of Claim due by 3/31/2025. (ylr) . (Entered: 10/04/2024)
10/04/2024	11 (4 pgs)	BNC Certificate of Mailing with Notice of Deficient Filing Notice Date 10/04/2024. (Admin.) (Entered: 10/05/2024)
10/05/2024	12 (5 pgs)	BNC Certificate of Mailing - Meeting of Creditors Notice Date 10/05/2024. (Admin.) (Entered: 10/06/2024)
10/06/2024	13 (6 pgs)	BNC Certificate of Mailing with Notice/Order Notice Date 10/06/2024. (Admin.) (Entered: 10/07/2024)
10/09/2024	14 (6 pgs)	Affidavit/Certificate of Service Filed by Cristina Mihaela Lipan on behalf of Goldner Capital Management LLC (RE: related document(s) 9 Order Establishing Deadline for Filing Proofs of Claim) (Lipan, Cristina) (Entered: 10/09/2024)
10/09/2024	15 (6 pgs; 2 docs)	Motion to Extend Deadline to File Schedules or Provide Required Information / <i>Chapter 11 Debtor's Motion for an Order Extending the Debtor's Time to File Schedules of Assets and Liabilities and Statement of Financial Affairs</i> Filed by Melanie A FitzGerald on behalf of Goldner Capital Management LLC. (Attachments: # 1 Proposed Order) (FitzGerald, Melanie) (Entered: 10/09/2024)
10/10/2024	16 (9 pgs; 2 docs)	Motion for Joint Administration with Case(s) / <i>Chapter 11 Debtor's Motion for an Order Authorizing, Pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure, the Joint Administration of the Chapter 11 Cases</i> Filed by Melanie A FitzGerald on behalf of Goldner Capital Management LLC. (Attachments: # 1 Proposed Order) (FitzGerald, Melanie) (Entered: 10/10/2024)
10/10/2024		Hearing scheduled for 10/16/2024 at 01:30 PM at Courtroom 960 (Judge Trust), CI, NY. (RE: related document(s) 16 Motion for Joint Administration filed by Debtor Goldner Capital Management LLC) (ymm) (Entered: 10/15/2024)
10/11/2024	17 (3 pgs)	Notice of Appearance and Request for Notice Filed by Ren-Ann A. Wang on behalf of Capital Source, LLC and The Capital Foresight Limited Partnership (Wang, Ren-Ann) (Entered: 10/11/2024)

EXHIBIT 1

10/11/2024	18 (2 pgs)	<p>Letter Providing Notice of Court Hearing Filed by Melanie A FitzGerald on behalf of Goldner Capital Management LLC (RE: related document(s)15 Motion to Extend Deadline to File Schedules filed by Debtor Goldner Capital Management LLC, 16 Motion for Joint Administration filed by Debtor Goldner Capital Management LLC) Hearing scheduled for 10/16/2024 at 01:30 PM at Courtroom 960 (Judge Trust), CI, NY. (FitzGerald, Melanie) (Entered: 10/11/2024)</p>
10/11/2024	19 (3 pgs)	<p>Notice of Appearance and Request for Notice Filed by Steven Yuniver on behalf of 1937 Coney Island LLC (Yuniver, Steven) (Entered: 10/11/2024)</p>
10/14/2024	20 (701 pgs; 16 docs)	<p>Expedited Motion to Dismiss Case Filed by Ren-Ann A. Wang on behalf of Capital Source, LLC and The Capital Foresight Limited Partnership. (Attachments: # 1 Exhibit Exhibit A to MTD # 2 Exhibit # 3 Exhibit # 4 Exhibit # 5 Exhibit # 6 Exhibit # 7 Exhibit # 8 Exhibit # 9 Exhibit # 10 Exhibit # 11 Exhibit # 12 Exhibit # 13 Exhibit # 14 Exhibit # 15 Proposed Order) (Wang, Ren-Ann) Modified on 10/15/2024 to remove hearing information (ylr). (Entered: 10/14/2024)</p>
10/14/2024	21 (6 pgs; 2 docs)	<p>Expedited Motion to Dismiss Case <i>Attorney Affirmation</i> Filed by Ren-Ann A. Wang on behalf of Capital Source, LLC and The Capital Foresight Limited Partnership. Order to be presented for signature on 10/21/2024. (Attachments: # 1 Exhibit A) (Wang, Ren-Ann) Modified on 10/15/2024 to remove hearing information. (ylr). (Entered: 10/14/2024)</p>
10/15/2024	22 (4 pgs)	<p>Objection Filed by Ren-Ann A. Wang on behalf of Capital Source, LLC and The Capital Foresight Limited Partnership (RE: related document(s)15 Motion to Extend Deadline to File Schedules filed by Debtor Goldner Capital Management LLC) (Wang, Ren-Ann) (Entered: 10/15/2024)</p>
10/16/2024	23 (7 pgs)	<p>Affidavit/Certificate of Service Filed by Melanie A FitzGerald on behalf of Goldner Capital Management LLC (RE: related document(s)15 Motion to Extend Deadline to File Schedules filed by Debtor Goldner Capital Management LLC, 16 Motion for Joint Administration filed by Debtor Goldner Capital Management LLC, 18 Letter Providing Notice of Court Hearing filed by Debtor Goldner Capital Management LLC) (FitzGerald, Melanie) (Entered: 10/16/2024)</p>
10/16/2024	24 (3 pgs)	<p>Notice of Appearance and Request for Notice Filed by Evan J. Zucker on behalf of Capital Funding, LLC (Zucker, Evan) (Entered: 10/16/2024)</p>
10/16/2024	25 (7 pgs; 3 docs)	<p>Motion for Kenneth J. Ottaviano to Appear Pro Hac Vice for Capital Funding, LLC. Fee Amount \$200. Filed by Evan J. Zucker on behalf of Capital Funding, LLC. (Attachments: # 1 Affidavit # 2 Proposed Order) (Zucker, Evan) (Entered: 10/16/2024)</p>

EXHIBIT 1

10/16/2024	26 (6 pgs; 3 docs)	Motion for Stephanie K. Hor-Chen to Appear Pro Hac Vice for Capital Funding, LLC. Fee Amount \$200. Filed by Evan J. Zucker on behalf of Capital Funding, LLC. (Attachments: # 1 Affidavit # 2 Proposed Order) (Zucker, Evan) (Entered: 10/16/2024)
10/16/2024		Receipt of Motion to Appear Pro Hac Vice(8-24-73789-ast) [motion,mprohac] (200.00) Filing Fee. Receipt number A23033557. Fee amount 200.00. (re: Doc# 25) (U.S. Treasury) (Entered: 10/16/2024)
10/16/2024		Receipt of Motion to Appear Pro Hac Vice(8-24-73789-ast) [motion,mprohac] (200.00) Filing Fee. Receipt number A23033557. Fee amount 200.00. (re: Doc# 26) (U.S. Treasury) (Entered: 10/16/2024)
10/16/2024		Hearing Held; - Appearances: Melanie A FitzGerald, Joseph S Maniscalco, Stephanie Hor-Chen, Mark Frankel, Max Sclan , Stan Yang. (RE: related document(s) 16 Motion for Joint Administration Filed by Debtor Goldner Capital Management LLC) MOTION GRANTED - SUBMIT ORDER; IF THE PROPOSED ORDER IS NOT SUBMITTED OR SETTLED AS DIRECTED WITHIN 14 DAYS, THE MATTER MAY BE DEEMED ABANDONED PURSUANT TO E.D.N.Y. L.B.R. 9072-1. (ymm) (Entered: 10/21/2024)
10/16/2024		Hearing Held; - Appearances: Joseph S Maniscalco, Max Sclan and Stan Yang. (RE: related document(s) 15 Motion to Extend Deadline to File Schedules Filed by Debtor Goldner Capital Management LLC) MOTION GRANTED AS PER TERMS STATED ON THE RECORD - SUBMIT ORDER; IF THE PROPOSED ORDER IS NOT SUBMITTED OR SETTLED AS DIRECTED WITHIN 14 DAYS, THE MATTER MAY BE DEEMED ABANDONED PURSUANT TO E.D.N.Y. L.B.R. 9072-1. (ymm) (Entered: 10/21/2024)
10/21/2024	27 (2 pgs)	Letter / <i>Letter to the Court to advise of 2 selected mediators</i> Filed by Melanie A FitzGerald on behalf of Goldner Capital Management LLC (FitzGerald, Melanie) (Entered: 10/21/2024)
10/22/2024	28 (7 pgs; 3 docs)	Motion for John Zummo to Appear Pro Hac Vice for Capital Source, LLC and The Capital Foresight Limited Partnetship. Fee Amount \$200. Filed by John E Zummo on behalf of Capital Funding, LLC, Capital Source, LLC and The Capital Foresight Limited Partnership. (Attachments: # 1 Affidavit in Support of Motion to Admit Counsel Pro Hac Vice # 2 Proposed Order) (Zummo, John) (Entered: 10/22/2024)
10/22/2024		Receipt of Motion to Appear Pro Hac Vice(8-24-73789-ast) [motion,mprohac] (200.00) Filing Fee. Receipt number A23050783. Fee amount 200.00. (re: Doc# 28) (U.S. Treasury) (Entered: 10/22/2024)
10/22/2024	29 (260 pgs; 19 docs)	Motion to Dismiss Case // <i>Motion of Capital Funding, LLC for Entry of an Order (I) Dismissing Chapter 11 Case of LHW Master Tenant</i>

EXHIBIT 1

		<p><i>LLC Pursuant to 11 U.S.C. § 1112, or, in the Alternative, (II) Granting Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362(d) Filed by Evan J. Zucker on behalf of Capital Funding, LLC. (Attachments: # 1 Exhibit 1 (Declaration) # 2 Declaration Exhibit A (1 of 4) # 3 Declaration Exhibit A (2 of 4) # 4 Declaration Exhibit A (3 of 4) # 5 Declaration Exhibit A (4 of 4) # 6 Declaration Exhibit B # 7 Declaration Exhibit C # 8 Declaration Exhibit D # 9 Declaration Exhibit E # 10 Declaration Exhibit F (1 of 2) # 11 Declaration Exhibit F (2 of 2) # 12 Declaration Exhibit G # 13 Declaration Exhibit H # 14 Declaration Exhibit I # 15 Declaration Exhibit J (1 of 3) # 16 Declaration Exhibit J (2 of 3) # 17 Declaration Exhibit J (3 of 3) # 18 Proposed Order) (Zucker, Evan) (Entered: 10/22/2024)</i></p>
10/22/2024	<p>30 (6 pgs; 3 docs)</p>	<p>Motion for Liz Boydston to Appear Pro Hac Vice for Capital Source, LLC and The Capital Foresight Limited Partnership. Fee Amount \$200. Filed by Elizabeth Nicolle Boydston on behalf of Capital Funding, LLC, Capital Source, LLC and The Capital Foresight Limited Partnership. (Attachments: # 1 Affidavit in Support of Motion to Admit Counsel Pro Hac Vice # 2 Proposed Order) (Boydston, Elizabeth) (Entered: 10/22/2024)</p>
10/22/2024		<p>Receipt of Motion to Appear Pro Hac Vice(8-24-73789-ast) [motion,mprohac] (200.00) Filing Fee. Receipt number A23050857. Fee amount 200.00. (re: Doc# 30) (U.S. Treasury) (Entered: 10/22/2024)</p>
10/22/2024	<p>31 (1 pg)</p>	<p>Order for Admission of Kenneth J. Ottaviano to Practice Pro Hac Vice. (Related Doc:25 Motion for Kenneth J. Ottaviano to Appear Pro Hac Vice for Capital Funding, LLC. Fee Amount \$200. Filed by Evan J. Zucker on behalf of Capital Funding, LLC. (Attachments: # 1 Affidavit # 2 Proposed Order)). Signed on 10/22/2024. (ylr) (Entered: 10/23/2024)</p>
10/22/2024	<p>32 (1 pg)</p>	<p>Order for Admission of Stephanie K. Hor-Chen to Practice Pro Hac Vice. (Related Doc:26 Motion for Stephanie K. Hor-Chen to Appear Pro Hac Vice for Capital Funding, LLC. Fee Amount \$200. Filed by Evan J. Zucker on behalf of Capital Funding, LLC. (Attachments: # 1 Affidavit # 2 Proposed Order)). Signed on 10/22/2024. (ylr) (Entered: 10/23/2024)</p>
10/22/2024	<p>33 (7 pgs; 3 docs)</p>	<p>Entered in Error- Order Authorizing the Joint Administration of Chapter 11 Cases Pursuant to Rule 1015(b)of the Federal Rules of Bankruptcy Procedure on Lead Case: 24-73789-ast with Member Cases: 24-73790-ast; 24-73791-ast; 24-73792-ast; 24-73794 -ast; 24-73795 -ast (Related Doc 16) Signed on 10/22/2024. (ylr) Modified on 10/23/2024 (ylr). (Entered: 10/23/2024)</p>
10/22/2024	<p>34 (7 pgs; 3 docs)</p>	<p>Order Authorizing the Joint Administration of the Chapter 11 Cases Pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure on Lead Case: 24-73789-ast with Member Cases: 24-73790-ast; 24-73791-ast; 24-73792-ast; 24-73793-ast; 24-73794-ast; 24-73795-ast (Related Doc # 16) Signed on 10/22/2024. (ylr) (Entered: 10/23/2024)</p>

EXHIBIT 1

10/23/2024		An order has been entered in accordance with Rule 1015(b) of the Federal Rules of Bankruptcy Procedure directing the joint administration of In re:GCM Manager LLC 24-73790-ast; GCM Parkside LLC 24-73791-ast; GCM Up LLC 24-73792-ast; GCM Wash LLC 24-73793-ast; LHW Master Tenant LLC 24-73794- ast; Missouri MT Holdings LLC 24-73795-ast . The case docket in Case No. Goldner Capital Management LLC 24-73789-ast should be consulted for all matters affecting the above listed cases (ylr) (Entered: 10/23/2024)
10/23/2024	35 (2 pgs)	Amended Notice of Motion/Presentation // <i>Notice of Hearing on Motion of Capital Funding, LLC for Entry of an Order (I) Dismissing Chapter 11 Case of LHW Master Tenant LLC Pursuant to 11 U.S.C. § 1112, or, in the Alternative, (II) Granting Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362(d)</i> . Objections to be filed on November 6, 2024 at 4:00 p.m.. Filed by Evan J. Zucker on behalf of Capital Funding, LLC (RE: related document(s) 29 Motion to Dismiss Case filed by Creditor Capital Funding, LLC) Hearing scheduled for 11/13/2024 at 11:30 AM at Courtroom 960 (Judge Trust), CI, NY. (Zucker, Evan) (Entered: 10/23/2024)
10/23/2024	36 (1 pg)	Amended Notice of Motion/Presentation <i>NOTICE OF HEARING ON MOTION TO DISMISS BANKRUPTCY CASES</i> . Objections to be filed on November 27, 2024. Filed by Ren-Ann A. Wang on behalf of Capital Source, LLC and The Capital Foresight Limited Partnership (RE: related document(s) 20 Motion to Dismiss Case filed by Creditor Capital Source, LLC and The Capital Foresight Limited Partnership) Hearing scheduled for 12/4/2024 at 10:30 AM at Courtroom 960 (Judge Trust), CI, NY. (Wang, Ren-Ann) (Entered: 10/23/2024)
10/23/2024	37 (10 pgs; 2 docs)	Motion for Relief from Stay <i>and Confirmation that Stay Does Not Apply to Non-Debtors</i> Fee Amount \$199. Filed by Dominique Scalia on behalf of Vertical Health Services LLC. Hearing scheduled for 11/13/2024 at 12:00 PM at Courtroom 960 (Judge Trust), CI, NY. (Attachments: # 1 Proposed Order) (Scalia, Dominique) (Entered: 10/23/2024)
10/23/2024		Receipt of Motion for Relief From Stay(8-24-73789-ast) [motion,mrlfsty] (199.00) Filing Fee. Receipt number A23054874. Fee amount 199.00. (re: Doc# 37) (U.S. Treasury) (Entered: 10/23/2024)
10/23/2024	38 (69 pgs)	Declaration Filed by Dominique Scalia on behalf of Vertical Health Services LLC (RE: related document(s) 37 Motion for Relief From Stay filed by Creditor Vertical Health Services LLC) (Scalia, Dominique) (Entered: 10/23/2024)
10/23/2024	39 (2 pgs)	Exhibit to <i>Motion - Notice of Hearing</i> Filed by Dominique Scalia on behalf of Vertical Health Services LLC (RE: related document(s) 37 Motion for Relief From Stay filed by Creditor Vertical Health Services LLC) (Scalia, Dominique) (Entered: 10/23/2024)

EXHIBIT 1

10/23/2024	40 (3 pgs)	Order Assigning Matter to Mediation. Ordered, that Martin G. Bunin, Esq., is hereby designated as mediator; Ordered, that Gerard R. Luckman, Esq., is hereby designated as alternate mediator in the event that Martin G. Bunin, Esq., has a conflict or is otherwise unable to serve as Mediator. Ordered, that the mediation shall be concluded, whether by separate or joint sessions, by November 6, 2024; Ordered, that by November 8, 2024, the Mediator shall file a status letter as to whether the mediation resulted in a settlement. (RE: related document(s) 27 Letter filed by Debtor Goldner Capital Management LLC). Signed on 10/23/2024 (ylr) (Entered: 10/24/2024)
10/23/2024		Hearing scheduled for 11/13/2024 at 11:30 AM at Courtroom 960 (Judge Trust), CI, NY. (RE: related document(s) 29 Motion to Dismiss Case filed by Creditor Capital Funding, LLC) (ymm) (Entered: 10/24/2024)
10/23/2024	41 (4 pgs; 2 docs)	Contested Matter Scheduling Order.An evidentiary hearing on the Motion, shall be held on December 4, 2024, at 10:30 a.m., in Courtroom 960, United States Bankruptcy Court, 290 Federal Plaza, Central Islip, New York.(RE: related document(s) 20 Motion to Dismiss Case filed by Creditor Capital Source, LLC and The Capital Foresight Limited Partnership). Signed on 10/23/2024 (ylr) (Entered: 10/24/2024)
10/24/2024	42 (1 pg)	Notice of Appearance and Request for Notice Filed by Lon J Seidman on behalf of GCM Manager LLC, GCM PARKSIDE LLC, GCM UP LLC, GCM WASH LLC, Goldner Capital Management LLC, LHW MASTER TENANT LLC, Missouri MT Holdings LLC (Seidman, Lon) (Entered: 10/24/2024)
10/24/2024	43 (4 pgs)	Motion for Thomas A. Buford to Appear Pro Hac Vice for Vertical Health Services, LLC. Fee Amount \$200. Filed by Thomas A. Buford III on behalf of Vertical Health Services LLC. (Buford, Thomas) (Entered: 10/24/2024)
10/24/2024		Receipt of Motion to Appear Pro Hac Vice(8-24-73789-ast) [motion,mprohac] (200.00) Filing Fee. Receipt number A23058500. Fee amount 200.00. (re: Doc# 43) (U.S. Treasury) (Entered: 10/24/2024)
10/24/2024	44 (7 pgs)	Affidavit/Certificate of Service Filed by Dominique Scalia on behalf of Vertical Health Services LLC (RE: related document(s) 37 Motion for Relief From Stay filed by Creditor Vertical Health Services LLC) (Scalia, Dominique) (Entered: 10/24/2024)
10/24/2024	45 (13 pgs)	Affidavit/Certificate of Service Filed by Dominique Scalia on behalf of Vertical Health Services LLC (RE: related document(s) 37 Motion for Relief From Stay filed by Creditor Vertical Health Services LLC) (Scalia, Dominique) (Entered: 10/24/2024)
10/25/2024	46 (5 pgs)	BNC Certificate of Mailing with Notice of Consolidation and Amend Caption Notice Date 10/25/2024. (Admin.) (Entered: 10/26/2024)

EXHIBIT 1

10/25/2024	47 (5 pgs)	BNC Certificate of Mailing with Notice of Consolidation and Amend Caption Notice Date 10/25/2024. (Admin.) (Entered: 10/26/2024)
10/26/2024	48 (7 pgs)	BNC Certificate of Mailing with Application/Notice/Order Notice Date 10/26/2024. (Admin.) (Entered: 10/27/2024)
10/28/2024	49 (1 pg)	Notice of Submission of Proposed Order Filed by Melanie A FitzGerald on behalf of Goldner Capital Management LLC (RE: related document(s) 40 Order Assigning Matter to Mediation) (FitzGerald, Melanie) (Entered: 10/28/2024)
10/28/2024	50 (10 pgs)	Affidavit/Certificate of Service Filed by John E Zummo on behalf of Capital Source, LLC and The Capital Foresight Limited Partnership (RE: related document(s) 41 Generic Order) (Zummo, John) (Entered: 10/28/2024)
10/29/2024	51 (1 pg)	Order for Admission of John Zummo To Appear Pro Hac Vice. (Related Doc: 28 Motion for John Zummo to Appear Pro Hac Vice for Capital Source, LLC and The Capital Foresight Limited Partnership. Fee Amount \$200. Filed by John E Zummo on behalf of Capital Funding, LLC, Capital Source, LLC and The Capital Foresight Limited Partnership. (Attachments: # 1 Affidavit in Support of Motion to Admit Counsel Pro Hac Vice # 2 Proposed Order)). Signed on 10/29/2024. (ylr) . (Entered: 10/29/2024)
10/29/2024	52 (1 pg)	Order for Admission of Liz Boydston To Appear Pro Hac Vice. (Related Doc: 30 Motion for Liz Boydston to Appear Pro Hac Vice for Capital Source, LLC and The Capital Foresight Limited Partnership. Fee Amount \$200. Filed by Elizabeth Nicolle Boydston on behalf of Capital Funding, LLC, Capital Source, LLC and The Capital Foresight Limited Partnership. (Attachments: # 1 Affidavit in Support of Motion to Admit Counsel Pro Hac Vice # 2 Proposed Order)). Signed on 10/29/2024. (ylr) . (Entered: 10/29/2024)
10/31/2024	53 (46 pgs; 2 docs)	Schedule(s), Statement(s) and Affidavit Pursuant to E.D.N.Y. LBR 1007-1(b) Schedule A/B, Schedule C, Schedule D, Schedule E/F, Schedule G, Schedule H, Schedule I, Schedule J, : Statement of Financial Affairs Filed by Gary F. Herbst on behalf of Goldner Capital Management LLC (Attachments: # 1 Disclosure of Attorney Compensation) (Herbst, Gary) (Entered: 10/31/2024)
10/31/2024	54 (1 pg)	Declaration-LIST OF EQUITY SECURITY HOLDERS- Filed by Gary F. Herbst on behalf of Goldner Capital Management LLC (Herbst, Gary) Modified on 11/1/2024 to add document title (ylr). (Entered: 10/31/2024)
10/31/2024	55 (8 pgs)	Verification of List of Creditors Filed by Gary F. Herbst on behalf of Goldner Capital Management LLC (Herbst, Gary) (Entered: 10/31/2024)

EXHIBIT 1

10/31/2024	56 (9 pgs)	Statement <i>Declaration Pursuant to Local Rule 1007-1(b)</i> Filed by Gary F. Herbst on behalf of Goldner Capital Management LLC (Herbst, Gary) (Entered: 10/31/2024)
11/01/2024	57 (1 pg)	Notice of Appearance and Request for Notice Filed by Thomas A. Buford III on behalf of Vertical Health Services LLC (Buford, Thomas) (Entered: 11/01/2024)
11/04/2024	58 (4 pgs)	Notice of Appearance and Request for Notice Filed by Michael Barrie on behalf of Benesch, Friedlander, Coplan & Aronoff LLP (Barrie, Michael) (Entered: 11/04/2024)
11/06/2024	59 (6 pgs)	Response to <i>Motion for Relief From the Automatic Stay</i> Filed by Gary F. Herbst on behalf of Goldner Capital Management LLC (RE: related document(s) 37 Motion for Relief From Stay filed by Creditor Vertical Health Services LLC) (Herbst, Gary) (Entered: 11/06/2024)
11/06/2024	60 (2 pgs)	Affidavit/Certificate of Service Filed by Cristina Mihaela Lipan on behalf of Goldner Capital Management LLC (RE: related document(s) 9 Order Establishing Deadline for Filing Proofs of Claim) (Lipan, Cristina) (Entered: 11/06/2024)
11/06/2024	61 (1 pg)	Order Granting Motion To Appear Pro Hac Vice (Related Doc: 43 Motion for Thomas A. Buford to Appear Pro Hac Vice for Vertical Health Services, LLC. Fee Amount \$200. Filed by Thomas A. Buford III on behalf of Vertical Health Services LLC.). Signed on 11/6/2024. (one) (Entered: 11/06/2024)
11/06/2024		Trustee's Notice of Continued Meeting of Creditors Filed by Christine H Black. 341(a) Meeting Adjourned to 12/5/2024 at 03:00 PM at Telephonic Meeting: Phone 1 (877) 960-2850, Participant Code 5942427, Enter # sign. (Black, Christine) (Entered: 11/06/2024)
11/06/2024	62 (8 pgs)	Affidavit/Certificate of Service of <i>Order for Admission to Practice Pro Hac Vice</i> Filed by Thomas A. Buford III on behalf of Vertical Health Services LLC (RE: related document(s) 61 Order on Motion to Appear Pro Hac Vice) (Buford, Thomas) (Entered: 11/06/2024)
11/07/2024	63 (1 pg)	Affidavit/Certificate of Service Filed by Lon J Seidman on behalf of Goldner Capital Management LLC (RE: related document(s) 59 Response filed by Debtor Goldner Capital Management LLC) (Seidman, Lon) (Entered: 11/07/2024)
11/08/2024	64 (2 pgs; 2 docs)	Transcript & Notice regarding the hearing held on 10/16/14. Pursuant to the new policy adopted by the Judicial Conference, transcripts are available for inspection only at the Office of the Clerk or may be purchased from the court transcriber. [Please see the court's website for contact information for the Transcription Service Agency].. Notice of Intent to Request Redaction Due By 11/15/2024. Redaction Request Due By 11/29/2024. Redacted Transcript Submission Due By 12/9/2024. TRANSCRIPT ACCESS WILL BE ELECTRONICALLY RESTRICTED THROUGH 02/6/2025 AND MAY BE VIEWED AT THE OFFICE OF THE CLERK. (Veritext)

EXHIBIT 1

		(Entered: 11/08/2024)
11/10/2024	65 (6 pgs)	BNC Certificate of Mailing with Notice of Filing of Official Transcript (BK) Notice Date 11/10/2024. (Admin.) (Entered: 11/11/2024)
11/12/2024	66 (2 pgs)	Letter Providing Notice of Court Hearing Filed by Thomas A. Buford III on behalf of Vertical Health Services LLC (RE: related document(s) 37 Motion for Relief From Stay filed by Creditor Vertical Health Services LLC) Hearing scheduled for 11/13/2024 at 11:30 AM at Courtroom 960 (Judge Trust), CI, NY. (Buford, Thomas) (Entered: 11/12/2024)
11/12/2024	67 (2 pgs)	Mediator's Report / <i>Mediator's Status Letter</i> . Filed by Martin G Bunin on behalf of Martin Bunin (Bunin, Martin) (Entered: 11/12/2024)

PACER Service Center			
Transaction Receipt			
11/14/2024 05:41:03			
PACER Login:	Pacer4WGFL	Client Code:	
Description:	Docket Report	Search Criteria:	8-24-73789-ast Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Headers: included Format: html Page counts for documents: included
Billable Pages:	11	Cost:	1.10

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Nov 14 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable George M. McFaddin, Jr., Circuit Court Judge

Trial Court Case No. 2023-CP-10-01512
Appellate Case No. 2024-000723

Charleston SC Property Holdings, LLC, Hanahan SC Property Holdings, LLC, and Michael
Flanagan, Receiver.....Respondents,

v.

Rittenberg OP, LLC, Hanahan OP, LLC, Goldner Capital Management, LLC, SC Two
OP Holdings, LLC, and Samuel Goldner.....Appellants.

PROOF OF SERVICE

I certify that on November 14, 2024, I caused Respondents’ Suggestion of Bankruptcy with
Exhibit 1 to be served upon counsel of record using the following email addresses:

Christopher Todd Brumback, Esq.
Brumback & Langley, LLC
chris@brumbacklangley.com

Michael Weaver, Esq.
Rogers Townsend, LLC
michael.weaver@rogerstownsend.com

Noah D. Siegel, Esq.
Gutnicki LLP
nsiegel@gutnicki.com

Aharon S. Kaye, Esq.
Gutnicki LLP
akaye@gutnicki.com

John Bertane, Esq.
Gutnicki LLP
jbertane@gutnicki.com

Ross Conrad DuRant, Esq.
Law Offices of N. David DuRant
rossdurant@lawofficesofdurant.com

James Whittington Clement, Esq.
Walker Gressette & Linton, LLC
clement@wglfirm.com

/s/ Thomas P. Gressette, Jr.



G. Trenholm Walker
Thomas P. Gressette, Jr.
John P. Linton, Jr.
Charles P. Summerall, IV
Jennifer Ivey
James W. Clement

THOMAS P. GRESSETTE, JR.
Direct: 843.727.2249
Email: Gressette@WGLFirm.com

RECEIVED
Nov 14 2024
SC Court of Appeals

November 14, 2024

VIA EMAIL:

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
Via e-filing: ctappfilings@sccourts.org

Re: *Charleston SC Property Holdings, LLC, et al. v. Rittenberg OP, LLC, et al.* (2)
Appellate Case No. 2024-000723

Dear Ms. Kitchings:

Enclosed please find Respondents' Suggestion of Bankruptcy with Exhibit 1 and Proof of Service. By copy of this letter and by email, counsel of record is being served.

With kind regards, I am

Sincerely yours,

/s/ *Thomas P. Gressette, Jr.*
Thomas P. Gressette, Jr.

Enclosures

cc: Michael Henry Weaver, Esq. (via e-mail) (michael.weaver@rogerstownsends.com)
Christopher Todd Brumback, Esq. (via e-mail) (chris@brumbacklangleys.com)
Ross Conrad DuRant, Esq. (via e-mail) (rossdurant@lawofficesofdurant.com)
Aharon S. Kaye, Esq. (via e-mail) (akaye@gutnicki.com)
Noah Siegel, Esq. (via e-mail) (nsiegel@gutnicki.com)
John Bertane, Esq. (via e-mail) (jbertane@gutnicki.com)
James Whittington Clement, Esq. (via e-mail) (clement@wglfirm.com)