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*Attorneys for Allen D. Wilen, as Liquidating Trustee and  
Estate Representative*

**Hearing Date and Time:**

**December 8, 2009 at 11:00 a.m.**

**Response Deadline:**

**December 1, 2009**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

BAYONNE MEDICAL CENTER,

Debtor.

Chapter 11

Case No. 07-15195 (MS)

**NOTICE OF FIFTEENTH OMNIBUS OBJECTION OF LIQUIDATING  
TRUSTEE TO CERTAIN GENERAL UNSECURED CLAIMS FILED  
WITHOUT NECESSARY DOCUMENTARY SUPPORT, PURSUANT TO  
11 U.S.C. § 502 AND FED. R. BANKR. P. 3007**

**PLEASE TAKE NOTICE** that on October 19, 2009, Allen D. Wilen, in his capacity as Liquidating Trustee and Estate Representative (the "Liquidating Trustee") for the bankruptcy estate of Bayonne Medical Center, filed an Omnibus Objection (the "Objection"), pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007, to certain general unsecured claims that were filed in this case without documentary support necessary to determine the validity of the claims, and requested the entry of an Order expunging those claims. The Objection and any responses will be heard on October 20, 2009, at 11:00 a.m. before the Honorable Morris Stern, U.S.B.J., on the third floor of the Martin Luther King Building and U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07102.



**PLEASE TAKE FURTHER NOTICE** that objections to the relief sought in the Objection must be filed no later than October 13, 2009 (the “Response Deadline”). Failure to timely file a response by the Response Deadline may result in the entry of an Order granting the relief requested in the Objection.

**YOUR RIGHTS MAY BE AFFECTED.** Claimants receiving this notice and the accompanying Objection should locate their names and claims in the Objection and the Exhibit attached thereto, review the papers carefully, discuss them with their attorneys (any claimant who does not have an attorney may wish to consult one), and take appropriate action.

SILLS CUMMIS & GROSS P.C.  
One Riverfront Plaza  
Newark, New Jersey 07102  
973-643-7000  
*Attorneys for Allen D. Wilen, as Liquidating  
Trustee and Estate Representative*

By: /s/ Charles N. Panzer  
Andrew H. Sherman  
Charles N. Panzer

Dated: October 19, 2009

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**Hearing Date and Time:**  
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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

BAYONNE MEDICAL CENTER,

Debtor.

Chapter 11

Case No. 07-15195 (MS)

**FIFTEENTH OMNIBUS OBJECTION OF LIQUIDATING TRUSTEE TO  
CERTAIN GENERAL UNSECURED CLAIMS, PURSUANT TO 11 U.S.C.  
§ 502 AND FED. R. BANKR. P. 3007  
(GENERAL UNSECURED CLAIMS FILED WITHOUT NECESSARY  
DOCUMENTARY SUPPORT)**

Allen D. Wilen, in his capacity as Liquidating Trustee and Estate Representative (the "Liquidating Trustee") for the bankruptcy estate of the captioned debtor, Bayonne Medical Center (the "Debtor"), files this Fifteenth Omnibus Objection (the "Objection") to certain general unsecured claims that were filed without documentary support necessary to determine the validity of the claims (each, a "Claim"), pursuant to 11 U.S.C. § 502 and Rule 3007 of the Federal Rules of Bankruptcy Procedure ("*Fed.R.Bankr.P.*"), and respectfully represents as follows:

### **PRELIMINARY STATEMENT**

The Trustee objects to each of the Claims listed on attached Exhibit A on the ground that each was filed without any documentary support, and as such the Trustee is unable to determine the validity of the Claims. As reflected in Exhibit A, each Claim was filed as a prepetition priority claim prior to the prepetition claim filing bar date of May 30, 2008 but without any documentary support. Therefore, the Trustee respectfully requests the entry of an Order, pursuant to 11 U.S.C. § 502 and *Fed.R.Bankr.P.* 3007, expunging each Claim set forth in Exhibit A.

### **PROCEDURAL BACKGROUND**

1. On April 16, 2007 (the "Petition Date"), the Debtor filed with this Court a voluntary petition for relief under chapter 11, title 11, United States Code (the "Bankruptcy Code"). Since the Petition Date, the Debtor has remained a debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

2. On May 3, 2007, the United States Trustee appointed the Committee pursuant to section 1102 of the Bankruptcy Code.

3. On November 8, 2007, the Debtor held a Court supervised auction of substantially all of its assets (the "Sale"), at which IJKG, LLC and certain related entities (collectively, "IJKG") was determined to be the successful bidder. The Court approved the Sale to IJKG by order dated November 9, 2007.

4. By Order dated April 22, 2008, the Court established May 30, 2008 as the deadline to file prepetition claims against the Debtor.

5. On February 23, 2009, the Debtor and the Committee filed a First Amended Joint Plan of Liquidation under Chapter 11 of the Bankruptcy Code (the "Plan"), which provided for,

among other things, the creation of a liquidating trust pursuant to a Liquidating Trust Agreement and the appointment of a liquidating trustee at or prior to confirmation of the Plan.

6. On April 9, 2009, the Plan was confirmed by Order of the Court ("Confirmation Order"). Pursuant to the Confirmation Order, Allen D Wilen was appointed as liquidating trustee and the estate representative for the Debtor's bankruptcy estate.

7. Under the Plan, the deadline to object to claims is 120 days after the Effective Date of the Plan, though the deadline may be extended by the Court, or by agreement with a claimant. If no objection to a claim is filed by the objection bar date(s), the subject claim will be deemed allowed for purposes of distribution under the Plan.

8. In accordance with these procedures, the Liquidating Trustee hereby objects to each of the Claims set forth in Exhibit A on the ground that each was filed without any documentary support, and as such the Trustee is unable to determine the validity of the Claim.

#### **JURISDICTION AND VENUE**

9. Jurisdiction is proper pursuant to 28 U.S.C. §§ 157 and 1334.

10. This is a "core" proceeding pursuant to 28 U.S.C. §§ 157(b).

11. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

#### **RELIEF REQUESTED AND BASIS FOR RELIEF**

12. 11 U.S.C. § 502 and *Fed.R.Bankr.P.* 3007 afford parties in interest the opportunity to object to claims against a debtor's estate. The Trustee, as a party in interest, objects pursuant to § 502 and Rule 3007, and requests that the Court enter an Order expunging the Claims set forth in Exhibit A.

13. As reflected in Exhibit A, each of the Claims was filed without any documentary support, and as such the Trustee is unable to determine the validity of the Claims. Accordingly, each of the Claims should be expunged.

**RESERVATION OF RIGHTS**

14. This Objection does not constitute a waiver of any defense or any ground for objection to the Claims set forth in Exhibit A, and the Trustee reserves the right to assert any such defense and object on any such ground to any Claim not expunged as a result of this Objection.

15. This Objection does not constitute a waiver of any defense or ground for objection to any claim against the Debtor not set forth in Exhibit A. The Trustee reserves the right to assert any such defense and object on any such ground to any such claim.

WHEREFORE, for the foregoing reasons, the Trustee respectfully requests that each of the Claims set forth in Exhibit A be expunged, that the Court enter an Order substantially in the form of the Proposed Order accompanying this Objection expunging each of the Claims, and for such other and further relief as the Court deems necessary and just.

SILLS CUMMIS & GROSS P.C.  
One Riverfront Plaza  
Newark, New Jersey 07102  
973-643-7000  
*Attorneys for Allen D. Wilen, as Liquidating  
Trustee and Estate Representative*

By: /s/Charles N. Panzer  
Andrew H. Sherman  
Charles N. Panzer

Dated: October 19, 2009

**In re: Bayonne Medical Center**  
**Case No. 07-15195-MS**

**FIFTEENTH OMNIBUS OBJECTION TO CLAIMS**  
**(GENERAL UNSECURED CLAIMS FILED WITHOUT NECESSARY DOCUMENTARY SUPPORT)**

**EXHIBIT A**

<b><u>Name</u></b>	<b><u>Claim to be Expunged Claim No.</u></b>	<b><u>Claim to be Expunged Classification</u></b>	<b><u>Claim to be Expunged Claim Amount</u></b>
Burgess, Timika	44	General Unsecured	\$250,000.00
Empire Healthchoice Assurance Inc. d/b/a Empire Blue Cross Blue Shield	441	General Unsecured	Not provided by claimant
McMenemie, Maureen	285	General Unsecured	1% of salary paid towards 401K
NOITU Insurance Trustfund	174	General Unsecured	\$4,132.63
Suczewski, Thomas J. MD	123	General Unsecured	\$22,094.99
Zabransky Mechanical Corp.	254	General Unsecured	\$7,276.05

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.J. LBR 9004-2(c) SILLS CUMMIS & GROSS P.C. Andrew H. Sherman, Esq. Charles N. Panzer, Esq. One Riverfront Plaza Newark, New Jersey 07102-5400 (973) 643-7000 <i>Attorneys for Allen D. Wilen, as Liquidating Trustee and Estate Representative</i>	
In re:  BAYONNE MEDICAL CENTER,  Debtor.	

Hon. Morris Stern  
Case No.: 07-15195(MS)  
Chapter 11

**ORDER EXPUNGING CLAIMS OBJECTED TO IN THE LIQUIDATING TRUSTEE'S FIFTEENTH OMNIBUS OBJECTION TO CERTAIN GENERAL UNSECURED CLAIMS FILED WITHOUT NECESSARY DOCUMENTARY SUPPORT, PURSUANT TO 11 U.S.C. § 502 AND FED. R. BANKR. P. 3007**

The relief set forth on the following page number two (2) hereby **ORDERED**.

Case No.: 07-15195(MS)  
Caption of Order: ORDER EXPUNGING CLAIMS OBJECTED TO IN THE LIQUIDATING TRUSTEE'S FIFTEENTH OMNIBUS OBJECTION TO CERTAIN GENERAL UNSECURED CLAIMS FILED WITHOUT NECESSARY DOCUMENTARY SUPPORT, PURSUANT TO 11 U.S.C. § 502 AND FED. R. BANKR. P. 3007

This matter having been raised before this Court by the Eighth Omnibus Objection (the "Objection") of Allen D. Wilen, as Liquidating Trustee and Estate Representative to certain general unsecured claims that were filed without documentary support necessary to determine the validity of the claims (collectively, the "Claims"), pursuant to 11 U.S.C. § 502 and Rule 3007 of the Federal Rules of Bankruptcy Procedure; and this Court having jurisdiction to consider the relief requested therein under 28 U.S.C. §§ 157 and 1334; and this matter being a core proceeding under 28 U.S.C. § 157(b); and this Court having considered the Objection, its supporting materials, and all responses thereto, if any; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby:

**ORDERED** that the Objection is SUSTAINED and each of the Claims set forth on Exhibit A attached hereto is disallowed and expunged in its entirety; and it is further

**ORDERED** that this Order does not expunge, impair, or otherwise affect any claim not set forth on the schedule attached hereto as Exhibit A, including, but not limited to, any general unsecured claim.

In re: Bayonne Medical Center  
Case No. 07-15195-MS

**FIFTEENTH OMNIBUS OBJECTION TO CLAIMS  
(GENERAL UNSECURED CLAIMS FILED WITHOUT NECESSARY DOCUMENTARY SUPPORT)**

**EXHIBIT A**

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