

JOHN J. SMITH, JR.
762 BROADWAY
BAYONNE, NJ 07002
(201) 858-3153
Attorney for Creditor

In re: : UNITED STATES BANKRUPTCY COURT
: DISTRICT OF NEW JERSEY
:
BAYONNE MEDICAL CENTER : Chapter 11
: Case No.: 07-15195
Debtor. : Hon. Morris Stern
:

NOTICE OF MOTION FOR RECONSIDERATION

TO: Sills, Cummis & Gross, P.C.
Andrew H. Sherman, Esq.
Charles N. Panzer, Esq.
One Riverfront Plaza
Newark, New Jersey 07102-5400

PLEASE TAKE NOTICE that on December 8, 2009 at ^{11:00}~~9:00~~ o'clock in the forenoon or as counsel may be heard, the undersigned, attorney for the creditor, Brian Newsome, shall apply before such Judge as may be sitting to hear motions in the United States Bankruptcy Court, District of New Jersey, for an Order allowing Reconsideration of an Order expunging creditors Debt.

In support of this Motion for Reconsideration I shall rely on the attached Certification.

I hereby certify that the original Notice of Motion has been filed with the Clerk of the Court as well as upon the Chambers of the Honorable Morris Stern and a copy has been served to the above attorney at his address listed, via regular mail, on the date hereof.

Oral argument is requested if opposition is filed.

By: [Signature]
John J. Smith, Jr., Esq.
Attorney for creditor, Brian Newsome

Dated: 11/13/09



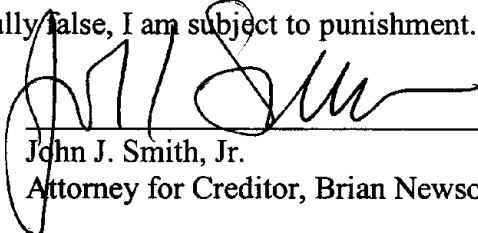
5. On or about May 28, 2008, Mr. Newsome personally filed Proof of Claim attached hereto as Exhibit "B".

6. Mr. Newsome never received any notice of filing of a Motion that led to his claim being expunged by the debtor.

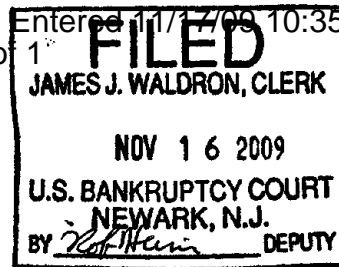
7. Therefore, Mr. Newsome requests that the Court reconsider its decision to expunge his secured claim.

I hereby certify that the foregoing statements by me are true and correct. I understand that if any of the statements made by me are willfully false, I am subject to punishment.

Dated: 11/13/09



John J. Smith, Jr.
Attorney for Creditor, Brian Newsome



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	:	
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	:	Case No.: 07-15195
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	:	

AFFIDAVIT OF BRIAN NEWSOME

I, Brian Newsome, being of full age and duly sworn upon my oath, deposes and says:

1. On or about October 5, 2005 and November 7, 2006, during the course of my employment at Bayonne Medical Center I was involved in accidents, which lead to filing of two Worker's Compensation claims under Nos.: 2007-12203 (10/5/05) and 2007-12208 (11/7/06).

2. On or about May 28, 2008, I filed Proof of Claim with the United States Bankruptcy Court in an attempt to protect my Workers' Compensation claims previously referenced.

3. On or about October 26, 2009, I received the Order from the United States Bankruptcy Court disallowing and expunging my secured claims. I never received any Notice of Motion prior to receiving this Order.

4. I am still actively undergoing medical treatment for the injuries suffered in the referenced Workers' Compensation accidents and I also understand that under the Workers' Compensation Statute I would be entitled to a permanency award in the future.

5. Therefore, I request that the Court reconsider its decision to expunge my secured claims.

I hereby certify that the foregoing statements by me are true and correct. I understand that if any of the statements made by me are willfully false, I am subject to punishment.

Signed and sworn before me
this 13th day of
November, 2009.

Brian Newsome

KARALYNN MORELLI BRANCATELLA
A NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES APRIL 5, 2010

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	:	
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ORDER

This matter having been brought before the Court by John J. Smith, Jr., attorney for creditor, Brian Newsome and Court having considered the matter for good cause shown.

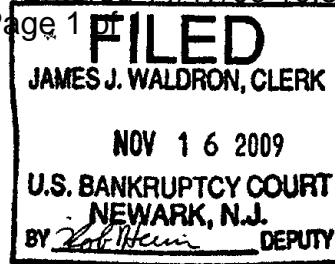
It is ORDERED on this _____ day of _____, 2009 that:

Order dated October 20, 2009 is hereby vacated with respect to the claim of creditor, Brian Newsome.

It is FURTHER ORDERED that creditor, Brian Newsome's secured claim against debtor, Bayonne Medical Center is hereby reinstated.

IT IS ALSO ORDERED that a copy of this order be served upon Defendant within _ days from the date hereof.

J.S.C.



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PROOF OF MAILING

I, Karalynn Brancatella, of full age, being duly sworn, deposes and says:

1. I am a Legal Secretary at the law firm of John J. Smith, Jr., Esq. in Bayonne, New Jersey.

2. On 11/13/09, I delivered via Regular Mail the original Notice of Motion for Reconsideration, Certification of Counsel, Affidavit of Brian Newsome, and Order to Motions Clerk of 50 Walnut Street, Newark, New Jersey 07102 as well as the Chambers of the Honorable Morris Stern, United States Bankruptcy Court, 50 Walnut Street, Newark, New Jersey 07102 and a copy of same to Sills, Cummis & Gross, P.C., Andrew H. Sherman, Esq./Charles N. Panzer, Esq., One Riverfront Plaza, Newark, New Jersey 07102-5400

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 11/13/09

Karalynn Brancatella
KARALYNN BRANCATELLA
Legal Secretary of the Law Firm of
John J. Smith, Jr., Esq.