

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

In re:

AMSTERDAM HOUSE CONTINUING CARE  
RETIREMENT COMMUNITY, INC. AKA THE  
AMSTERDAM AT HARBORSIDE AKA THE  
HARBORSIDE AKA HARBORSIDE LEGACY FUND  
AKA HARBORSIDE LEGACY FOUNDATION

Debtor.

Chapter 11

Case No. 21-71095 (AST)

**ORDER SETTING HEARINGS BY VIDEO CONFERENCE  
AND ESTABLISHING RELATED DEADLINES**

In accordance with Federal Rule of Civil Procedure 16, as incorporated by Federal Rule of Bankruptcy Procedure 7016, and Eastern District of New York Administrative Order No. 2020-22 et seq. re: Restrictions on Visitors to Courthouses, and in order to protect the health and safety of the public, the Court hereby **ORDERS** as follows:

**Hearing Date and Time:**

1. An adjourned hearing (the "Hearing") will be held on **June 23, 2021 at 9:30 a.m. EST** on the following Motions filed by Debtor, Amsterdam House Continuing Care Retirement Community (the "Matters"):

- Emergency Motion for Entry of Interim and Final Orders (I) Prohibiting Utilities from Altering, Refusing, or Discontinuing Service, (II) Deeming the Utility Providers Adequately Assured of Future Performance, and (III) Establishing Procedures for Determining Requests for Additional Adequate Assurance [Dkt. Item 4]
- Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtor to (a) Pay Prepetition Wages, Salaries, Commissions, Employee Benefits, Prepetition Payroll Taxes, and Other Obligations, (b) Maintain Compensation and Benefits Programs, and Pay Related Administrative Obligations, and (c) Make Payroll Deductions, (II) Authorizing Applicable Banks and Other Financial Institutions to Honor and Process Related Checks and Transfers, and (III) Granting Related Relief [Dkt. Item 5]
- Emergency Motion for Entry of an Interim and Final Order (I) Authorizing the Debtor to Pay Certain Prepetition Taxes and Fees, (II) Authorizing Financial Institutions to Honor and Process Related Checks and Transfers, and (III) Granting Related Relief [Dkt. Item 6]
- Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtor to (a) Maintain Existing Insurance Policies and Pay All Insurance Obligations Arising



Thereunder and (b) Renew, Revise, Extend, Supplement, Change or Enter into New Insurance Policies, and (II) Granting Certain Related Relief [Dkt. Item 7]

- Motion for Entry of Interim and Final Orders Authorizing (I) Continued Use of the Debtor's Existing Cash Management System, (II) Maintenance of Its Existing Bank Accounts, (III) Continued Use of Its Existing Business Forms, and (IV) a Waiver of Certain Deposit and Investment Requirements in 11 U.S.C. § 345(b) and the UST Guidelines [Dkt. Item 10]
- Debtor's Emergency Motion for Interim and Final Orders (I) Authorizing the Debtor to Use the Cash Collateral of UMB Bank, N.A., as 2014 Bond Trustee; (II) Providing UMB Bank, N.A., as 2014 Bond Trustee, Adequate Protection; and (III) Modifying the Automatic Stay [Dkt. Item 11]

### **Video Conference:**

2. The Hearing will take place on the Zoom platform, which provides for full video conference capacity as well as for separate audio only capacity. The following is the attendance link for the Hearing:

<https://www.zoomgov.com/j/16177601614?pwd=Z2dQekJPVml5TG9vUU52cFFKaElyZz09>

Meeting ID: 161 7760 1614

Passcode: 6277

One tap mobile

+16692545252,,16177601614# US (San Jose) 16468287666,,16177601614# US

+(New York)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

+1 551 285 1373 US

+1 669 216 1590 US (San Jose)

Meeting ID: 161 7760 1614

Find your local number: <https://www.zoomgov.com/u/aesfMGB8MW>

All parties are to log in or dial in to the Hearing no less than **thirty (30) minutes** prior to the Hearing and place their audio lines on mute. Please consult your IT personnel if you have any problems registering or logging in for the Hearing. For additional help see information posted on Judge Trust's procedures web page.

### **Prior Notice of Intent to Participate; Limit on Participation by Video; Telephone participation:**

3. In addition to registering for the Hearing, all persons wishing to participate in the Hearing by video shall send an email to [ast\\_hearings@nyeb.uscourts.gov](mailto:ast_hearings@nyeb.uscourts.gov) at least two (2) **business days** in advance of the Hearing to identify the parties that will appear. Such email shall state in the Re

section the adversary and/or main case number(s) in which the party(s) shall participate, and the date of the Hearing; the body of the email shall include the full name and electronic mail address of the proposed participant(s) and the party(s) represented, and whether the party shall appear by audio only or by audio and video. The parties are directed to limit video conference participation to those who are necessary to address the Matters. If the number of persons wishing to participate in the video conference, in the Court's view, exceeds the number which would permit the efficient, stable, and reliable transmission of the Hearing by video conference, the Court may require that certain persons be permitted to participate in the Hearing only by audio.

**Public Access:**

4. This is a public hearing.

**Conduct During Hearing:**

5. No person shall communicate with a witness during his or her testimony, except by direct examination or cross examination on the record, unless specifically authorized by the Court.

Although conducted using video conferencing technology, the Hearing is a court proceeding. The formalities of the courtroom shall be strictly observed. Counsel and witnesses who appear on the video shall dress appropriately, exercise civility, and otherwise conduct themselves in a manner consistent with the dignity of the Court. In the interest of public safety, counsel and witnesses are directed to refrain from participating either by audio or video while operating a vehicle. At all times when not addressing the Court, counsel and witnesses are directed to place the connection on "mute" to prevent background noise from being heard. When speaking, you must announce who you are each time before speaking, speak up and enunciate so that you can be heard and understood. In addition, the parties are to avoid the use of a speaker phone (use a landline if possible).

The Court reserves the right to remove from the Hearing any participant who fails to observe the formalities and decorum of the courtroom by disconnecting his or her line and/or video feed after due warning by either Judge Trust or his Courtroom Deputy. Such person will not be permitted reentry for the remainder of the Hearing.

**Recording Prohibited; Official Record:**

6. No person may record the proceedings from any location by any means. The audio recording maintained by the Court shall be the sole basis for creation of a transcript that constitutes the official record of the Hearing.

**Compliance with Rule 9037:**

7. All papers submitted to the Court, including exhibits, must comply with Bankruptcy Rule 9037.

**Settlement:**

8. If the Matters are settled, the parties shall submit to the Court a stipulation approved by all parties and a motion for approval of the same no less than **five (5) business days** prior to the date of the Hearing, along with an email to [ast\\_hearings@nyeb.uscourts.gov](mailto:ast_hearings@nyeb.uscourts.gov), notifying the Court of the proposed settlement. **If a stipulation and motion are not timely submitted to the Court, all parties shall be prepared to proceed with the evidentiary Hearing.** If the contested matter is removed from the calendar based upon the announcement of a settlement, the contested matter will not be reset for Hearing if the parties fail to consummate the settlement. In such event, the Court will consider only a motion to enforce the settlement, unless the sole reason the settlement is not consummated is that the Court did not approve the settlement, in which case the matter will be reset for Hearing at a later date.

**Sanctions:**

9. Failure to appear at the Hearing or to comply with any provision of this Order may result in appropriate sanctions in accordance with Bankruptcy Rules 1001, 7016, 7037 and 9014, including the award of attorney's fees, striking of papers, exclusion of exhibits or witnesses, or the granting or denial of any of the Matters.

**Continuances:**


10. Continuances of the Hearing or any deadlines set forth in this Order must be requested by written motion. Any request for continuance or amendment to this order shall set forth the status of discovery and shall state the reasons why the party or parties seek a continuance.

**Service:**

11. Plaintiff shall serve a copy of this Order on all appropriate parties within **one (1) business day** following entry of this Order and file a certificate of service thereof within **two (2) business days** thereafter, as required by this Court's Local Rules.

**Dated: June 17, 2021**  
**Central Islip, New York**



  
**Alan S. Trust**  
**Chief United States Bankruptcy Judge**