

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

In re:

AMSTERDAM HOUSE CONTINUING CARE
RETIREMENT COMMUNITY, INC.,¹
aka The Amsterdam at Harborside
aka The Harborside
aka Harborside Legacy Fund
aka Harborside Legacy Foundation,

Debtor.

Chapter 11

Case No. 21-71095 (AST)

**FINAL ORDER PURSUANT TO SECTION 333(a) OF
THE BANKRUPTCY CODE AND BANKRUPTCY RULE
2007.2 (I) WAIVING THE APPOINTMENT OF A PATIENT
CARE OMBUDSMAN, (II) ALLOWING THE DEBTOR TO SELF-REPORT,
AND (III) MOOTING THE U.S. TRUSTEE'S OBJECTION TO THE MOTION**

Upon the emergency motion (the "Motion")² of the debtor in the above-captioned chapter 11 case (the "Debtor") for entry of an order (this "Final Order"), pursuant to section 333(a) of title 11 of the United States Code (the "Bankruptcy Code") and Rule 2007.2 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") (i) determining that appointment of a patient care ombudsman for the Debtor is not required, (ii) allowing the Debtor to self-report certain information relating to the state of Resident care to this Court, the Office of the United States Trustee for the Eastern District for New York ("U.S. Trustee"), the New York Department of Health ("DOH"), and any Residents or family members thereof who specifically request a copy of such information until the Effective Date of the Revised First Amended Plan (as defined herein), and (iii) granting related relief; and upon consideration of the First Day Declaration; and upon

¹ The last four digits of the Debtor's federal tax identification number are 1764. The Debtor's mailing address is 300 East Overlook, Port Washington, New York 11050.

² All capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.



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consideration of *The United States Trustee's Objection to Debtor's Motion Seeking Entry of an Order Waiving the Appointment of a Patient Care Ombudsman* [Docket No. 75] (the "UST's Objection"); and following the hearing before the Court held on July 13, 2021 (the "Disclosure Statement Hearing") and the Court's consideration of the arguments and evidence in support of the Motion and UST's Objection presented at the Disclosure Statement Hearing; and the Court having entered its *Order Pursuant to Section 333(a) of Bankruptcy Code and Bankruptcy Rule 2007.2 (I) Waiving the Appointment of Patient Care Ombudsman and (II) Allowing Debtor to Self-Report* [Docket No. 118] (the "Interim Order") following the Disclosure Statement Hearing, which granted the Motion subject to the Court's further consideration of the Motion and the UST's Objection at a hearing before the Court on August 25, 2021 (the "Confirmation Hearing"); and the Court having confirmed the Debtor's plan of reorganization at the Confirmation Hearing; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the standing order with respect to referral of bankruptcy cases from the United States District Court for the Eastern District of New York dated December 5, 2012; and this matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and this Court being able to issue a final order consistent with Article III of the United States Constitution; and venue of this proceeding and the Motion in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtor's estate, its creditors, and other parties in interest; and this Court having found that the Debtor's notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the evidence in support of the relief requested therein; and this Court having determined that the legal and factual bases set forth in the Motion and at the Disclosure Statement Hearing and Confirmation Hearing establish

just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:


1. The Motion is GRANTED as set forth herein on a final basis.
2. The Debtor shall continue to file Self-Reports on the bi-weekly schedule and according to the procedure established by the Interim Order until the Effective Date of the Revised First Amended Plan.
3. The UST Objection is moot in light of the confirmation of the *Debtor's Revised First Amended Plan of Reorganization Pursuant to Chapter 11 of the Bankruptcy Code* (the "Revised First Amended Plan") [Docket No. 193].
4. Notwithstanding the relief granted in this Final Order and any actions taken pursuant to such relief, nothing in this Final Order shall be deemed as (a) an admission as to the validity or priority of any claim or lien against the Debtor, (b) a waiver of the Debtor's right to subsequently dispute such claim or lien on any grounds, (c) a promise or requirement to pay any prepetition claim, (d) an implication or admission that any particular claim is of a type specified or defined in the Motion or this Final Order, (e) a request or authorization to assume any prepetition agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code, or (f) a waiver of the Debtor's or any other party in interest's rights under the Bankruptcy Code or any other applicable law.

5. The Debtor is authorized to take all actions necessary to effectuate the relief granted in this Final Order in accordance with the Motion.

6. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Final Order.

Dated: September 2, 2021
Central Islip, New York





Alan S. Trust
Chief United States Bankruptcy Judge