

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

Medley LLC,<sup>1</sup>

Debtor.

Chapter 11

Case No. 21-10526 (KBO)

Re: Docket No. 582

**CERTIFICATE OF NO OBJECTION REGARDING FIRST OMNIBUS  
(NON-SUBSTANTIVE) OBJECTION OF THE MEDLEY LLC LIQUIDATING TRUST  
TO CERTAIN (A) DUPLICATIVE CLAIMS; (B) LATE FILED CLAIMS;  
AND (C) INSUFFICIENT DOCUMENTATION CLAIMS**

The undersigned hereby certifies that, as of the date hereof, no answer, objection or any other responsive pleading has been received to the *First Omnibus (Non-Substantive) Objection of the Medley LLC Liquidating Trust to Certain (A) Duplicative Claims; (B) Late Filed Claims; and (C) Insufficient Documentation Claims* [Docket No. 582] (the “Objection”) filed by Saccullo Business Consulting, LLC, solely in its capacity as trustee (the “Trustee”) of the Medley LLC Liquidating Trust (the “Trust”), with the United States Bankruptcy Court for the District of Delaware (the “Court”) on April 8, 2022. Attached to the Objection was, among other things, a proposed form of order approving the relief requested in the Objection (the “Proposed Order”).

The undersigned further certifies that no answer, objection or other responsive pleading to the Objection has appeared on the Court’s docket in these cases. Pursuant to the *Notice of Objection and Hearing* filed with the Objection, any objection or response to the relief requested in the Objection was to be filed and served so as to be received by no later than **April 22, 2022 at 4:00 p.m. (ET)** (the “Objection Deadline”).

<sup>1</sup> The Debtor’s current mailing address is c/o Medley LLC Liquidating Trust, c/o Saccullo Business Consulting, LLC, 27 Crimson King Drive, Bear, DE 19701.



WHEREFORE, the Trust respectfully requests that the Proposed Order, attached hereto as **Exhibit 1**, be entered at the earliest convenience of the Court.

Dated: April 25, 2022  
Wilmington, Delaware

Respectfully submitted,

/s/ Andrew L. Brown

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**EXHIBIT 1**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

Medley LLC,<sup>1</sup>

Debtor.

Chapter 11

Case No. 21-10526 (KBO)

**Re: Docket No. 582**

**ORDER SUSTAINING FIRST OMNIBUS (NON-SUBSTANTIVE) OBJECTION OF THE  
MEDLEY LLC LIQUIDATING TRUST TO CERTAIN (A) DUPLICATIVE CLAIMS;  
(B) LATE FILED CLAIMS; AND (C) INSUFFICIENT DOCUMENTATION CLAIMS**

Upon consideration of the *First Omnibus (Non-Substantive) Objection of the Medley LLC Liquidating Trust to Certain (A) Duplicative Claims; (B) Late Filed Claims; and (C) Insufficient Documentation Claims* (the “**First Omnibus Objection**”);<sup>2</sup> and the Court having considered the Declaration in support of the First Omnibus Objection; and it appearing that notice of the First Omnibus Objection was good and sufficient upon the particular circumstances and that no other or further notice need be given; and the Court having considered the First Omnibus Objection, the claims listed on **Exhibit A** through **Exhibit C** attached hereto, and any responses thereto; and upon the record herein; and after due deliberation thereon; and good and sufficient cause appearing therefor; it is hereby

**FOUND AND DETERMINED THAT:**

1. The First Omnibus Objection is a core proceeding under 28 U.S.C. § 157(b)(2); and

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<sup>1</sup> The Debtor’s current mailing address is c/o Medley LLC Liquidating Trust, c/o Saccullo Business Consulting, LLC, 27 Crimson King Drive, Bear, DE 19701.

<sup>2</sup> Unless otherwise defined herein, capitalized terms used herein shall have the meanings ascribed to them in the First Omnibus Objection.

2. Each holder of a claim (as to each, a “**Claim**”) listed on **Exhibit A** through **Exhibit C** and attached hereto was properly and timely served with a copy of the First Omnibus Objection, this Order, the accompanying exhibits, and the notice; and

3. Any entity known to have an interest in the Claims subject to the First Omnibus Objection has been afforded reasonable opportunity to respond to, or be heard regarding, the relief requested in the First Omnibus Objection; and

4. The relief requested in the First Omnibus Objection is in the best interests of the Debtor’s creditors, the estate, and other parties in interest; and it is therefore

ORDERED, that the First Omnibus Objection is SUSTAINED; and is further

ORDERED, that each of the Duplicative Claims listed on the attached **Exhibit A** is hereby disallowed and expunged in its entirety; and it is further

ORDERED, that each of the Late Claims listed on the attached **Exhibit B** is hereby disallowed and expunged in its entirety, and it is further

ORDERED, that each of the Insufficient Documentation Claims listed on the attached **Exhibit C** is hereby disallowed and expunged in its entirety, and it is further

ORDERED, that nothing in the First Omnibus Objection or this Order shall be construed as an allowance of any Claim, and all of the Trust’s rights and the rights of other parties in interest to object to any of the Claims or any other Claims (filed or not) which may be asserted against the Debtor on any other grounds are preserved. Additionally, should one or more of the grounds of objection stated in the First Omnibus Objection be dismissed, the Trust’s rights to object on other stated grounds or on any other grounds that the Trust discovers during the pendency of this case are further preserved; and it is further

ORDERED, that each Claim and the objections by the Trust to such Claim, as set forth on **Exhibit A** through **Exhibit C** hereto, constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014 and Local Rule 3007-1. This Order shall be deemed a separate Order with respect to each Claim. Any stay of this Order pending appeal by any claimants whose Claims are subject to this Order shall only apply to the contested matter which involves such claimant and shall not act to stay the applicability and/or finality of this Order with respect to the other contested matters listed in the First Omnibus Objection or this Order; and it is further

ORDERED, that this Court shall retain jurisdiction over any matters related to or arising from the First Omnibus Objection or the implementation of this Order.

**EXHIBIT A**

**Exhibit A - Duplicative Claims**

See paragraph 17 of the Objection

<u>Row #</u>	<u>Claimant Name</u>	<u>Remaining Claim No.</u>	<u>Duplicative Claim</u>			<u>Reason for Disallowance</u>
			<u>Duplicate Claim No. to be Disallowed</u>	<u>Claim Amount</u>	<u>Claim Priority</u>	
1	Ames, Michael	\$70,769,770.83 master proof of claim (No. 4) filed by U.S. Bank, National Association, in its capacity as Indenture Trustee in connection with the 2024 Notes	20	\$12,387.45	General Unsecured	Claim is subsumed within one of the Master Notes Claims that was allowed pursuant to an order approving a stipulation between the Indenture Trustee and the Debtor [Docket No. 101]. An objection to this Claim is also been filed on the grounds of untimeliness. See <u>Exhibit B</u> .
2	Baughman, Joseph A.	\$70,769,770.83 (No. 4) and/or \$54,741,337.50 (No. 5) master proof of claim filed by U.S. Bank, National Association, in its capacity as Indenture Trustee in connection with the 2024 Notes and 2026 Notes	19	\$21,400.00	General Unsecured	Claim is subsumed within one of the Master Notes Claims that was allowed pursuant to an order approving a stipulation between the Indenture Trustee and the Debtor [Docket No. 101]. An objection to this Claim is also been filed on the grounds of untimeliness. See <u>Exhibit B</u> .
3	Cheong, Lai Chi	\$70,769,770.83 (No. 4) and/or \$54,741,337.50 (No. 5) master proof of claim filed by U.S. Bank, National Association, in its capacity as Indenture Trustee in connection with the 2024 Notes and 2026 Notes	12	\$15,000.00	General Unsecured	Claim is subsumed within one of the Master Notes Claims that was allowed pursuant to an order approving a stipulation between the Indenture Trustee and the Debtor [Docket No. 101]. An objection to this Claim is also been filed on the grounds of untimeliness. See <u>Exhibit B</u> .
4	Ho, Richard	\$70,769,770.83 master proof of claim (No. 4) filed by U.S. Bank, National Association, in its capacity as Indenture Trustee in connection with the 2024 Notes	21	\$5,508.80	General Unsecured	Claim is subsumed within one of the Master Notes Claims that was allowed pursuant to an order approving a stipulation between the Indenture Trustee and the Debtor [Docket No. 101]. An objection to this Claim is also been filed on the grounds of untimeliness. See <u>Exhibit B</u> .
5	McThomas, Michael	\$70,769,770.83 (No. 4) and/or \$54,741,337.50 (No. 5) master proof of claim filed by U.S. Bank, National Association, in its capacity as Indenture Trustee in connection with the 2024 Notes and 2026 Notes	22	\$4,919.00	General Unsecured	Claim is subsumed within one of the Master Notes Claims that was allowed pursuant to an order approving a stipulation between the Indenture Trustee and the Debtor [Docket No. 101]. An objection to this Claim is also been filed on the grounds of untimeliness. See <u>Exhibit B</u> .



**Exhibit A - Duplicative Claims**

See paragraph 17 of the Objection

<u>Row #</u>	<u>Claimant Name</u>	<u>Remaining Claim No.</u>	<u>Duplicative Claim</u>			<u>Reason for Disallowance</u>
			<u>Duplicate Claim No. to be Disallowed</u>	<u>Claim Amount</u>	<u>Claim Priority</u>	
6	Sheffield, Kit	\$70,769,770.83 master proof of claim (No. 4) filed by U.S. Bank, National Association, in its capacity as Indenture Trustee in connection with the 2024 Notes	13	\$310,000.00	General Unsecured	Claim is subsumed within one of the Master Notes Claims that was allowed pursuant to an order approving a stipulation between the Indenture Trustee and the Debtor [Docket No. 101]. An objection to this Claim is also been filed on the grounds of untimeliness. See <u>Exhibit B</u> .

**EXHIBIT B**

**Exhibit B - Late Claims**

See paragraph 18 of the Objection

<b>Row #</b>	<b><u>Claims to be Disallowed and Expunged</u></b>					<b><u>Reason For Disallowance</u></b>
	<b><u>Claimant Name</u></b>	<b><u>Date Filed</u></b>	<b><u>Claim No.</u></b>	<b><u>Claim Amount</u></b>	<b><u>Claim Priority</u></b>	
1	Ames, Michael	10/23/2021	20	\$12,387.45	General Unsecured	Claim was filed after the General Bar Date of 4/30/21. An objection to this Claim was also filed on the grounds that it is subsumed within one of the Master Notes Claims. See <u>Exhibit A</u> .
2	Baughman, Joseph A.	10/23/2021	19	\$21,400.00	General Unsecured	Claim was filed after the General Bar Date of 4/30/21. An objection to this Claim was also filed on the grounds that it is subsumed within one or more of the Master Notes Claims. See <u>Exhibit A</u> .
3	Cheong, Lai Chi	5/20/2021	12	\$15,000.00	General Unsecured	Claim was filed after the General Bar Date of 4/30/21. An objection to this Claim was also filed on the grounds that it is subsumed within one or more of the Master Notes Claims. See <u>Exhibit A</u> .
4	Kirsch, Cynthia	08/29/2021	17	\$2,021.22	General Unsecured	Claim was filed after the General Bar Date of 4/30/21. An objection to this Claim was also filed on the grounds that it was filed without sufficient documentation. See <u>Exhibit C</u> .
5	Kirsch, John	08/29/2021	16	\$4,796.74	General Unsecured	Claim was filed after the General Bar Date of 4/30/21. An objection to this Claim was also filed on the grounds that it was filed without sufficient documentation. See <u>Exhibit C</u> .
6	Ho, Richard	10/23/2021	21	\$5,508.80	General Unsecured	Claim was filed after the General Bar Date of 4/30/21. An objection to this Claim was also filed on the grounds that it is subsumed within one of the Master Notes Claims. See <u>Exhibit A</u> .
7	McThomas, Michael	10/25/2021	22	\$4,919.00	General Unsecured	Claim was filed after the General Bar Date of 4/30/21. An objection to this Claim was also filed on the grounds that it is subsumed within one or more of the Master Notes Claims. See <u>Exhibit A</u> .
8	Richard, Bertrand A.	11/15/2021	23	\$20,000.00	General Unsecured	Claim was filed after the General Bar Date of 4/30/21. An objection to this Claim was also filed on the grounds that it was filed without sufficient documentation. See <u>Exhibit C</u> .

See paragraph 18 of the Objection

<b>Row #</b>	<b><u>Claims to be Disallowed and Expunged</u></b>					<b><u>Reason For Disallowance</u></b>
	<b><u>Claimant Name</u></b>	<b><u>Date Filed</u></b>	<b><u>Claim No.</u></b>	<b><u>Claim Amount</u></b>	<b><u>Claim Priority</u></b>	
9	Rothschild, Martin	08/28/2021	15	\$12,500.00	General Unsecured	Claim was filed after the General Bar Date of 4/30/21. An objection to this Claim was also filed on the grounds it was filed without sufficient documentation. See <u>Exhibit C</u> .
10	Sheffield, Kit	7/8/2021	13	\$310,000.00	General Unsecured	Claim was filed after the General Bar Date of 4/30/21. An objection to this Claim was also filed on the grounds that it is subsumed within one of the Master Notes Claims. See <u>Exhibit A</u> .

**EXHIBIT C**

**Exhibit C - Insufficient Documentation Claims**

See paragraph 19-20 of the Objection

<b>Row #</b>	<b><u>Claims to be Disallowed and Expunged</u></b>					<b><u>Reason For Disallowance</u></b>
	<b><u>Claimant Name</u></b>	<b><u>Claim No.</u></b>	<b><u>Claim Amount</u></b>	<b><u>Claim Priority</u></b>	<b><u>Asserted Basis</u></b>	
1	Kirsch, Cynthia	17	\$2,021.22	General Unsecured	Money owed	The Claimant failed to provide sufficient documentation to the Trust for reconciliation purposes and the Debtor's books and records do not reflect any Claim on behalf of claimant. An objection to this Claim is also being filed on the ground of untimeliness. See <u>Exhibit B</u> .
2	Kirsch, John	16	\$4,796.74	General Unsecured	Money owed	The Claimant failed to provide sufficient documentation to the Trust for reconciliation purposes and the Debtor's books and records do not reflect any Claim on behalf of claimant. An objection to this Claim is also being filed on the ground of untimeliness. See <u>Exhibit B</u> .
3	Richard, Bertrand A.	23	\$20,000.00	General Unsecured	Stock redemption	The Claimant failed to provide sufficient documentation to the Trust for reconciliation purposes and the Debtor's books and records do not reflect any Claim on behalf of claimant. An objection to this Claim is also being filed on the ground of untimeliness. See <u>Exhibit B</u> .
4	Rothschild, Martin	15	\$12,500.00	General Unsecured	None specified	The Claimant failed to provide sufficient documentation to the Trust for reconciliation purposes and the Debtor's books and records do not reflect any Claim on behalf of claimant. An objection to this Claim is also being filed on the ground of untimeliness. See <u>Exhibit B</u> .