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Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
CASE NO. 13-

Chapter 11
(Joint Administration Pending)

In re:

RIH ACQUISITIONS NJ, LLC, *et al.*,¹
Debtors-in-Possession.

**NOTICE OF MOTION FOR AN ORDER
EXTENDING THE DEBTORS' TIME TO
FILE SCHEDULES OF ASSETS AND
LIABILITIES AND STATEMENTS OF
FINANCIAL AFFAIRS PURSUANT TO
FED. R. BANKR. P. 1007(c)**

HEARING DATE AND TIME:

_____, 2013, at __: __.m.

ORAL ARGUMENT REQUESTED

TO: All Parties-in-Interest

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor's federal identification number are: RIH Acquisitions NJ, LLC d/b/a The Atlantic Club Casino Hotel (1695) and RIH Propco NJ, LLC (5454).



PLEASE TAKE NOTICE that pursuant to an Order Regarding Application for Expedited Consideration of First Day Matters served herewith, on the _____ day of November, 2013, at ___:___m., or as soon thereafter as counsel may be heard, the undersigned, proposed counsel for RIH Acquisitions NJ, LLC d/b/a The Atlantic Club Casino Hotel and RIH Propco NJ, LLC, the within debtors and debtors-in-possession (the “**Debtors**”), shall move before the assigned United States Bankruptcy Judge, at the United States Bankruptcy Court, Mitchell H. Cohen U.S. Courthouse, 400 Cooper Street, 4th Floor, Camden, New Jersey 08101, for entry of an Order extending the Debtors’ time to file their schedules of assets and liabilities and statements of financial affairs pursuant to Fed. R. Bankr. P. 1007(c), and granting such other and further relief as the Court deems appropriate (the “**Motion**”).

PLEASE TAKE FURTHER NOTICE that in support of the Motion, the undersigned shall rely on the “First Day” Affidavit of Eric Matejevich and the accompanying Application, which collectively set forth the relevant factual and legal bases upon which the relief requested should be granted. A proposed Order granting the relief requested in the Motion also is submitted herewith.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Motion shall be presented in accordance with the Order Regarding Application for Expedited Consideration of First Day Matters.

PLEASE TAKE FURTHER NOTICE that unless objections are timely presented, the Motion shall be deemed uncontested in accordance with D.N.J. LBR 9013-1(a) and the relief requested may be granted without a hearing.

PLEASE TAKE FURTHER NOTICE that the undersigned requests oral argument on the return date of the Motion if objections are timely filed.

COLE, SCHOTZ, MEISEL,
FORMAN & LEONARD, P.A.
Proposed attorneys for RIH Acquisitions NJ, LLC, *et al.*,
Debtors-in-Possession

By: /s/ Warren A. Usatine
Michael D. Sirota
Warren A. Usatine
Ryan T. Jareck
Nicholas B. Vislocky

DATED: November 6, 2013

**COLE, SCHOTZ, MEISEL,
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
CASE NO. 13-

Chapter 11
(Joint Administration Pending)

In re:

RIH ACQUISITIONS NJ, LLC, *et al.*,¹

Debtors-in-Possession.

**APPLICATION IN SUPPORT OF THE
DEBTORS' MOTION FOR AN ORDER
EXTENDING THEIR TIME TO FILE
SCHEDULES OF ASSETS AND
LIABILITIES AND STATEMENTS OF
FINANCIAL AFFAIRS PURSUANT TO
FED. R. BANKR. P. 1007(c)**

HEARING DATE AND TIME:

_____, 2013, at __:__ a.m.

ORAL ARGUMENT REQUESTED

TO: Honorable Judge of the
United States Bankruptcy Court

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor's federal identification number are: RIH Acquisitions NJ, LLC d/b/a The Atlantic Club Casino Hotel (1695) and RIH Propco NJ, LLC (5454).

The Application of RIH Acquisitions NJ, LLC d/b/a The Atlantic Club Casino Hotel and RIH Propco NJ, LLC, the within debtors and debtors-in-possession (the “**Debtors**”), by and through their proposed counsel, Cole, Schotz, Meisel, Forman & Leonard, P.A., respectfully represents:

I. INTRODUCTION AND JURISDICTION

1. This Application is submitted in support of the Debtors’ motion for an order extending the time within which they must file their schedules of assets and liabilities (“**Schedules**”) and statements of financial affairs (“**Statements**”) pursuant to Fed. R. Bankr. P. 1007(c) (the “**Motion**”).

2. This Court has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 1334 and 157(b). This is a “core” proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (O).

3. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

II. BACKGROUND

4. On November 6, 2013 (the “**Filing Date**”), the Debtors filed voluntary petitions for relief pursuant to Chapter 11 of the Bankruptcy Code. Since the Filing Date, the Debtors have remained in possession of their assets – and RIH Acquisitions continues management of its business – as debtors-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

5. A detailed description of RIH Acquisitions’ business and the facts precipitating the filing of the Debtors’ Chapter 11 proceedings are set forth in the Affidavit of Eric Matejevich in support of the Debtors’ various “First Day Motions” (the “**Matejevich Affidavit**”). Those facts are incorporated herein by reference.

6. As set forth in the Matejevich Affidavit, RIH Acquisitions is in the hotel and gaming business and owns and operates The Atlantic Club Casino Hotel (formerly The Atlantic City Hilton and ACH) located at Boston Ave. & The Boardwalk in Atlantic City, New Jersey

(the “**Atlantic Club Casino**”). The Atlantic Club Casino has 801 hotel rooms, over 75,000 square feet of casino gaming space including state of the art low denomination slots and table games, as well as seven restaurants. The Atlantic Club Casino also offers over 37,000 square feet of versatile event space and can accommodate gatherings of up to 1,600 people.

III. RELIEF REQUESTED AND BASIS THEREFOR

7. Pursuant to Section 521 of the Bankruptcy Code and Fed. R. Bankr. P. 1007(c), the Debtors’ Schedules and Statements must be filed no later than fourteen (14) days after the Filing Date, *i.e.*, November 20, 2013.

8. Pursuant to Fed. R. Bankr. P. 1007(c) and 9006(b), however, this Court has authority to extend the time required for filing the Schedules and Statements “for cause.” The Bankruptcy Rules do not define or delineate the parameters necessary to establish cause for an extension of time to file schedules and statements. When a debtor is involved in a complex proceeding in which numerous significant issues must be addressed at the outset of the case, however, courts typically find that the number or complexity of such issues is sufficient to establish cause for an extension of the deadline beyond the 14 days provided by the Bankruptcy Rules.

9. In the period immediately preceding the Filing Date, the Debtors and their professionals were required to focus on numerous tasks relating to the filing of these Chapter 11 cases, including, but not limited to: (a) reviewing voluminous documents in preparation of these Chapter 11 cases; (b) negotiating a debtor-in-possession financing facility; and (c) preparing several “first day” motions aimed at transitioning the Debtors into Chapter 11 with minimal disruption.

10. Substantial time and effort is required to prepare accurate and complete schedules and statements when a debtor has complex business operations. To allow the Debtors to

complete that process, cause exists to grant an extension of the time period allowed pursuant to Bankruptcy Rule 1007.

11. For these reasons, the Debtors respectfully request a 30-day extension of the 14-day deadline provided by Rule 1007(c), which will provide the Debtors with a total of 44 days after the Filing Date to file the Schedules and Statements, *i.e.*, December 20, 2013.

WHEREFORE, the Debtors respectfully request entry of an Order granting the Motion and such other relief as the Court deems just and appropriate under the circumstances.

COLE, SCHOTZ, MEISEL,
FORMAN & LEONARD, P.A.
Proposed attorneys for RIH Acquisitions NJ, LLC, *et al.*,
Debtors-in-Possession

By: /s/ Warren A. Usatine
Michael D. Sirota
Warren A. Usatine
Ryan T. Jareck
Nicholas B. Vislocky

DATED: November 6, 2013

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)
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In re:

RIH ACQUISITIONS NJ, LLC, *et al.*,¹

Debtors-in-Possession.

Case No. 13-

Judge:

Chapter 11

(Joint Administration Pending)

Hearing Date and Time:

_____, 2013, at __:__ .m.

**ORDER EXTENDING THE DEBTORS' TIME TO FILE SCHEDULES OF ASSETS AND
LIABILITIES AND STATEMENTS OF FINANCIAL AFFAIRS PURSUANT TO
FED. R. BANKR. P. 1007(c)**

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

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor's federal identification number are: RIH Acquisitions NJ, LLC d/b/a The Atlantic Club Casino Hotel (1695) and RIH Propco NJ, LLC (5454).

(Page 2)

Debtor: RIH ACQUISITIONS NJ, LLC, *et al.*,
Case No. 13-
Caption of Order: ORDER EXTENDING THE DEBTORS' TIME TO FILE SCHEDULES
OF ASSETS AND LIABILITIES AND STATEMENTS OF FINANCIAL
AFFAIRS PURSUANT TO FED. R. BANKR. P. 1007(c)

THIS MATTER having been opened to the Court upon a motion of RIH Acquisitions NJ, LLC d/b/a The Atlantic Club Casino Hotel and RIH Propco NJ, LLC, the within debtors and debtors-in-possession (the “**Debtors**”), by and through their proposed counsel, Cole, Schotz, Meisel, Forman & Leonard, P.A., for an order extending the Debtors’ time to file their schedules of assets and liabilities (“**Schedules**”) and statements of financial affairs (“**Statements**”) pursuant to Fed. R. Bankr. P. 1007(c) (the “**Motion**”); and notice of the hearing on the Motion having been provided to all parties-in-interest in accordance with the Order Regarding Application for Expedited Consideration of First Day Matters previously entered by the Court, as evidenced by the Affidavit of Service filed with the Court; and the Court having held a hearing on the Motion on the date hereof, and having considered the moving papers, the opposition thereto, if any, and the arguments of counsel; and good cause appearing for the entry of this Order;

IT IS ORDERED as follows:

1. The time within which the Debtors must file their Schedules and Statements is hereby extended to and including December 20, 2013.
2. This extension shall be without prejudice to the Debtors’ right to seek a further extension, if necessary.
3. A true copy of this Order shall be served on all interested parties within seven (7) days of the date hereof.