



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)
COLE, SCHOTZ, MEISEL,
FORMAN & LEONARD, P.A.
A Professional Corporation
Court Plaza North
25 Main Street
P.O. Box 800
Hackensack, NJ 07602-0800
Michael D. Sirota, Esq.
Warren A. Usatine, Esq.
Ryan T. Jareck, Esq.
Nicholas B. Vislocky, Esq.
(201) 489-3000
(201) 489-1536 Facsimile
Proposed attorneys for RIH Acquisitions NJ, LLC, *et al.*, Debtors-in-Possession

In re:

RIH ACQUISITIONS NJ, LLC, *et al.*,¹

Debtors-in-Possession.

Case No. 13- 34483

Judge:

Chapter 11

(Joint Administration Pending)

Hearing Date and Time:

_____, 2013, at ____: ____ .m.

ORDER: (A) GRANTING INTERIM RELIEF PURSUANT TO 11 U.S.C. § 366(b); (B) AUTHORIZING THE PAYMENT OF ADEQUATE ASSURANCE FOR POST-PETITION UTILITY SERVICES; (C) FIXING FINAL HEARING DATE TO DETERMINE ADEQUATE ASSURANCE; AND (D) GRANTING OTHER RELATED RELIEF

The relief set forth on the following pages, numbered two (2) through four (4), is hereby **ORDERED**.

11/8/13

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: (A) GRANTING INTERIM RELIEF PURSUANT TO 11 U.S.C. § 366(b); (B) AUTHORIZING THE PAYMENT OF ADEQUATE ASSURANCE FOR POST-PETITION UTILITY SERVICES; (C) FIXING FINAL HEARING DATE TO DETERMINE ADEQUATE ASSURANCE; AND (D) GRANTING OTHER RELATED RELIEF

THIS MATTER having been opened to the Court by RIH Acquisitions NJ, LLC d/b/a The Atlantic Club Casino Hotel (“**RIH Acquisitions**”) 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., upon motion for entry of an Order: (a) granting interim relief pursuant to 11 U.S.C. § 366(b); (b) authorizing the payment of adequate assurance for post-petition utility services; (c) fixing final hearing date to determine adequate assurance; and (d) granting other related relief (the “**Motion**”);² and good and sufficient notice of the hearing on the Motion having been provided 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 considered the Motion, 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. Within twenty (20) business days hereof, RIH Acquisitions shall pay a cash deposit in an amount equal to \$228,337.27 in the aggregate, which is equal to two (2) weeks of utility service for the Utility Companies in the amounts set forth in Exhibit A to the Debtors’

² All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Verified Application submitted in support of the Motion (the “**Application**”).

(Page 3)

Debtor: RIH ACQUISITIONS NJ, LLC, *et al.*,
Case No. 13-
Caption of Order: ORDER: (A) GRANTING INTERIM RELIEF PURSUANT TO 11 U.S.C. § 366(b); (B) AUTHORIZING THE PAYMENT OF ADEQUATE ASSURANCE FOR POST-PETITION UTILITY SERVICES; (C) FIXING FINAL HEARING DATE TO DETERMINE ADEQUATE ASSURANCE; AND (D) GRANTING OTHER RELATED RELIEF

Application, except to the extent any of the Utility Companies receives partial or full prepayment in the ordinary course of business with the practice to continue post-petition, which collectively shall constitute "adequate assurance of payment" under 11 U.S.C. § 366. Said deposits shall be applicable solely to Utility Services provided from and after the Filing Date and shall not be applied by the Utility Companies to any prepetition Utility Services.

2. RIH Acquisitions shall pay on a timely basis, in accordance with prepetition practices, all undisputed invoices with respect to postpetition Utility Services.

3. A hearing to consider entry of a final order fixing the amount of adequate assurance to be paid to the Utility Companies shall be held on Dec. 2, 2013, at 11:00am. (the "**Final Hearing**"). A Utility Company may seek an earlier hearing date by filing an application for entry of an order shortening time with this Court. RIH Acquisitions reserves all rights to oppose any request for a hearing on shortened time to consider the amount of adequate assurance to be paid to the Utility Companies.

4. Objections to the proposed adequate assurance amounts may be filed by the Utility Companies so as to be received by Debtors' counsel no later than seven (7) days before the Final Hearing Date. In the event no objections are filed, this Order shall continue in full force and effect and shall be deemed a final Order without the need for further notice or hearing in accordance with Federal Rules of Bankruptcy Procedure, including the Final Hearing.

(Page 4)

Debtor: RIH ACQUISITIONS NJ, LLC, *et al.*,
Case No. 13-
Caption of Order: ORDER: (A) GRANTING INTERIM RELIEF PURSUANT TO 11
U.S.C. § 366(b); (B) AUTHORIZING THE PAYMENT OF ADEQUATE
ASSURANCE FOR POST-PETITION UTILITY SERVICES; (C)
FIXING FINAL HEARING DATE TO DETERMINE ADEQUATE
ASSURANCE; AND (D) GRANTING OTHER RELATED RELIEF

5. Absent any further order of this Court, the Utility Companies are hereby enjoined through and including the date of the Final Hearing from: (a) altering, refusing, or discontinuing Utility Services to, or discriminating against, RIH Acquisitions; or (b) requiring the payment by RIH Acquisitions of any deposit or other security for Utility Services, except as provided for herein.

6. Within two (2) business days from the date hereof, a true copy of this Order shall be served by regular first class mail to the Utility Companies. For Utility Companies that may have been omitted from Exhibit A to the Debtors' Application, the Debtors shall promptly provide notice of this Order upon learning of such Utility Company.

7. Nothing in this Order or the Motion shall be deemed or construed to constitute the postpetition assumption or adoption of any agreement pursuant to Section 365 of the Bankruptcy Code.

8. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

9. A true copy of this Order shall be served on all other parties-in-interest within seven (7) days hereof.