

Hearing Date and Time: November 23, 2021 at 10:00 a.m.  
Objection Deadline: November 16, 2021 at 5:00 p.m.  
Related Dkt. Nos.172, 212, 214 and 219

WINDELS MARX LANE & MITTENDORF, LLP  
Attorneys for Alan Nisselson, Chapter 7 Trustee  
156 West 56<sup>th</sup> Street  
New York, New York 10019  
Telephone: (212) 237-1000  
Attorneys Appearing: Alan Nisselson (anisselson@windelsmarx.com)  
Ben Kusmin (bkusmin@windelsmarx.com)

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re :  
 : Chapter 7  
 :  
HELIOS AND MATHESON ANALYTICS : Case Nos. 20-10242-dsj  
INC., *et al.*,<sup>1</sup> :  
 : (Jointly Administered)  
 :  
Debtors. :  
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**CERTIFICATE OF NO OBJECTION REGARDING TRUSTEE’S MOTION PURSUANT TO 11 U.S.C. § 105(a) AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 9019(a) TO APPROVE COMPROMISE BETWEEN TRUSTEE AND KLDISCOVERY, LLC RESOLVING ITS CLAIM NO. 144 AND ITS MOTION FOR ALLOWANCE OF AN ADMINISTRATIVE EXPENSE (DOC. 172)**

Pursuant to Rule 9075-2 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York (the “Local Rules”), the undersigned hereby certifies as follows

1. On October 20, 2021, Alan Nisselson, trustee (the “Trustee”) for the chapter 7 estate of Helios and Matheson Analytics Inc. (“HMNY”), moved for the entry of an order, pursuant to 11 U.S.C. § 105(a) and Federal Rule of Bankruptcy Procedure 9019(a), approving a

<sup>1</sup> The Debtors in the jointly administered Chapter 7 cases, together with the last four digits of each Debtor’s federal tax identification number, are as follows: Helios and Matheson Analytics, Inc., a/k/a MovieFone (9913), Zone Technologies, Inc., a/k/a Red Zone, a/k/a Zone Intelligence, (5124), and MoviePass, Inc. (9893).



stipulation between the Trustee and KLDISCOVERY LLC (“KLDISCOVERY”) resolving its Claim No. 144 against HMNY and its motion for allowance of an administrative expense (Doc. 172) (the “Motion”)<sup>2</sup> [Dkt. No. 212].

2. The Motion and a notice thereof (the “Hearing Notice”) were served on counsel for KLDISCOVERY in the HMNY bankruptcy case and the Office of the United States Trustee on October 21, 2021 in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules. See Certificate of Service of Rossmery Martinez, filed on October 26, 2021 [Dkt. No. 214].

3. The Hearing Notice was served on additional parties on the case’s Limited Service List, the full Creditor Matrix, and the Subscriber List on October 21, 2021; on the Federal Trade Commission on October 22, 2021, and on one member of the Creditor Matrix via postal forwarding address on November 9, 2021, in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules. See Certificate of Service of Rossmery Martinez, filed on October 26, 2021 [Dkt. No. 214]; and Supplemental Certificate of Service of Heather Fellows, filed on November 15, 2021 [Dkt. No. 219].

4. Pursuant to the Hearing Notice, and in accordance with the Local Rules, any objections to the Motion were to be filed and served by no later than November 16, 2021 at 5:00 p.m. (Eastern Time) (the “Objection Deadline”) [Dkt. No. 212].

5. As of the date and time of filing hereof, which is more than 48 hours after the Objection Deadline, no objection, responsive pleading, or request for a hearing with respect to the Motion has been filed or served on the Trustee’s counsel, and the Trustee’s counsel has

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<sup>2</sup> All capitalized terms used but not otherwise defined herein shall have the same meanings ascribed to them in the Motion.

reviewed the Court's docket in this case and no objection, responsive pleading or request for hearing with respect to the Motion appears thereon.

6. A proposed order (the "Proposed Order") is attached as Exhibit A. The Proposed Order is substantially identical to the proposed order that had been annexed to the Motion, and has only been updated from the prior version to delete references to the previously scheduled hearing. The Proposed Order will be submitted to the Court, along with this certificate.

7. Accordingly, it is respectfully requested that the Court enter the Proposed Order granting the Motion.

Dated: New York, New York  
November 19, 2021

WINDELS MARX LANE & MITTENDORF, LLP  
*Attorneys for the Chapter 7 Trustee*

By: /s/ Ben J. Kusmin  
Ben J. Kusmin (bkusmin@windelsmarx.com)  
Alan Nisselson (anisselson@windelsmarx.com)  
156 West 56<sup>th</sup> Street  
New York, New York 10019  
Tel. (212) 237-1000 / Fax. (212) 262-1215

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

In re

HELIOS AND MATHESON ANALYTICS  
INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 7

Case Nos. 20-10242-dsj  
(Jointly Administered)

**ORDER PURSUANT TO 11 U.S.C. § 105(a) AND FEDERAL RULE OF BANKRUPTCY  
PROCEDURE 9019(a) APPROVING COMPROMISE BETWEEN TRUSTEE AND  
KLDISCOVERY, LLC RESOLVING ITS CLAIM NO. 144 AND MOTION FOR  
ALLOWANCE OF AN ADMINISTRATIVE EXPENSE (DOC. 172)**

Upon the motion (Doc. 212) (the “*Motion*”)<sup>2</sup> of Alan Nisselson, as trustee for the chapter 7 estate of *Helios and Matheson Analytics Inc., a/k/a MovieFone* (“**HMNY**”), Case No. 20-10242 (the “**Estate**”), seeking entry of an order pursuant to 11 U.S.C. § 105(a) and Federal Rule of Bankruptcy Procedure 9019(a), for the entry of an Order (i) approving a stipulation between the Trustee and KLDDiscovery, LLC (“**KLDDiscovery**”) resolving Claim No. 144 against HMNY and KLDDiscovery’s motion for allowance of an administrative expense (Doc. 172) (the “**KLDDiscovery Stipulation**”); and (ii) waiving the stay, if any, imposed by Fed. R. Bankr. P. 6004(h), to allow payment of the **Allowed Claim** under the terms of the **KLDDiscovery Stipulation**; and it appearing that due and sufficient notice has been given to all parties in interest as required by the applicable provisions of the Bankruptcy Code, Bankruptcy Rules, and the local rules of this Court, as evidenced by the Affidavit of Service filed with the Court; and no objections to the Motion having been filed; and the Court having considered the Motion, and the Declaration of Alan Nisselson in

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<sup>2</sup> All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

support of the Motion; and the Court having found the relief sought in the Motion is appropriate and approval of the Stipulations is reasonable and in the best interests of the Estate and creditors; and this Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and after due deliberation; and sufficient cause appearing therefor;

**IT IS HEREBY ORDERED, THAT:**

1. The Motion is granted in its entirety and the **KLDiscovery Stipulation** is hereby approved and authorized pursuant to Federal Rule of Bankruptcy Procedure 9019(a).
2. The stay imposed by Fed. R. Bankr. P. 6004(h) is waived to the extent of allowing the Trustee to pay the **Allowed Claim** under the terms of the **KLDiscovery Stipulation**.
3. This Court retains jurisdiction to interpret and enforce this Order, including to resolve any dispute arising from or related to the Stipulations.

Dated: New York, New York  
November \_\_, 2021

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The Honorable David S. Jones  
United States Bankruptcy Judge