

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

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: **Chapter 11**
: **Case No. 09-11701 (MG)**
: **(Jointly Administered)**
: **Debtors.**
: **(Jointly Administered)**
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**ORDER DENYING EMERGENCY MOTION OF ELIOT I. BERNSTEIN
TO ESTABLISH PROOF OF CLAIM; VACATE OR MODIFY ORDER OF
SALE; INJUNCTION; PRIORITY OF CLAIMS; AND OTHER RELIEF**

Upon the Emergency Motion of Eliot I. Bernstein to Establish Proof of Claim; Vacate or Modify Order of Sale; Injunction; Priority of Claims; and Other Relief, filed on April 17, 2009 [Docket No. 102] (the "Motion") and upon the objection of the Debtors, in opposition to the Motion, filed on May 5, 2009 [Docket No. 318] (the "Objection"); and it appearing that venue of the Motion and Objection in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that the Motion and Objection are core proceedings pursuant to 28 U.S.C. § 157(b); and it appearing that no other or further notice need be provided; and the Court having held a hearing on the Motion and Objection on May 8, 2009 (the "Hearing"); and due and proper notice of the Objection and Hearing having been provided to Eliot I. Bernstein; and for the reasons stated by the Court on the record at the Hearing; and after due deliberation thereon; and good and sufficient cause appearing therefor;

IT IS HEREBY ORDERED that the Motion is DENIED. This Order is without prejudice to Eliot I. Bernstein filing a proof of claim in this case.

Dated: New York, New York
May 8, 2009

/s/ Martin Glenn_____

UNITED STATES BANKRUPTCY JUDGE