

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

Chapter 11

RUDOLPH W. GIULIANI
a/k/a RUDOLPH WILLIAM GIULIANI

Case No.: 22-12055

Debtor

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**DEBTOR’S RESPONSE TO THE MOTION OF THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS OF RUDOLPH W. GIULIANI TO COMPEL THE
DEBTOR TO (I) FILE DELINQUENT MONTHLY OPERATING REPORT AND (II)
FILE TIMELY MONTHLY OPERATING REPORTS**

**TO: THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE**

Rudolph W. Giuliani, the Debtor and Debtor-in-Possession herein (“Debtor”) by and through his attorneys Berger, Fischhoff, Shumer, Wexler & Goodman, LLP as and for his response to the motion by the Official Committee of Unsecured Creditors requiring the Debtor to file the delinquent operating report and to timely file future operating reports states as follows:

BACKGROUND

1. The Debtor commenced a voluntary petition for relief from creditors under Chapter 11 of the Bankruptcy Code on December 21, 2023.
2. The Debtor continues to manage and operate his business as a Debtor-in-Possession under Bankruptcy Section 1107(a) and 1108.
3. An official committee of unsecured creditors was appointed on January 12, 2024.
4. No Trustee of examiner has been appointed in this case.

5. The Debtor is an individual who resides at 45 East 66th Street, New York, New York. The Debtor currently received social security benefits and broadcasts a radio show and podcast; these are his sole sources of income.
6. The Debtor has filed all the outstanding operating reports due and owing through March of 2024 (Docket No: 199 are the February reports and Docket No: 203 are the March reports). Your affirmant has had conversations with the Debtor and the Debtor understands his obligations as a Debtor-in-Possession to file timely operating reports.
7. Unfortunately, the Debtor originally had an accountant who was helping, however, he had a change of heart and indicated that he no longer wished to help prepare the monthly operating reports.
8. The Debtor advised that he has reached out to a number of accounting firms and CPA's seeking their help, however, no one seems interested in taking the assignment.
9. The Debtor's reports are fairly straight forward as the Debtor's sole source of income is mainly from his social security and whatever little bit of money comes in from his radio show and podcast. Any additional monies used to supplement the Debtor's income comes from money in his exempt IRA.
10. I have reviewed with the Debtor how to prepare the operating reports as required and the required supporting documentation and the Debtor has indicated that going forward, the operating reports will be filed on a timely basis. The operating report for April should be filed prior to the return date of this motion.
11. The Debtor and counsel have attempted to resolve any issues raised concerning the reports. The Debtor had an informal 2004 examination with the creditors committee and we are waiting to schedule a formal 2004 examination.

12. The Debtor understands his requirements to file timely monthly operating reports as a prerequisite for the protection in a Chapter 11 bankruptcy. Your affirmant has explained to the Debtor the importance of filing timely reports and the Debtor understands the requirements and therefore on a forward going basis the Debtor will be complying with his obligation as a Debtor-in-Possession and will provide timely operating reports.
13. While the committee has been clear with the fact that they lack confidence in the Debtor's ability to fulfill his obligations as a Debtor-in-Possession, the Debtor understands the requirements and will timely comply with his obligations.

Dated: Syosset, New York
May 7, 2024

BERGER, FISCHOFF, SHUMER,
WEXLER & GOODMAN, LLP
Attorneys for the Debtor



Heath S. Berger, Esq.
6901 Jericho Turnpike, Suite 230
Syosset, New York 11791