

AKIN GUMP STRAUSS HAUER & FELD LLP

Ira S. Dizengoff

Philip C. Dublin

Abid Qureshi

One Bryant Park

New York, New York 10036

Telephone: (212) 872-1000

Facsimile: (212) 872-1002

Rachel Biblo Block (admitted *pro hac vice*)

2300 N. Field St., Suite 1800

Dallas, Texas 75201

Telephone: (214) 969-2800

Facsimile: (214) 969-4343

*Counsel to the Official Committee of
Unsecured Creditors of Rudolph W. Giuliani*

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

-----X

In re:	: Chapter 11
	:
RUDOLPH W. GIULIANI	: Case No. 23-12055 (SHL)
a/k/a RUDOLPH WILLIAM GIULIANI,	:
	:
Debtor.	:

-----X

**EX PARTE MOTION TO EXCEED PAGE
LIMIT FOR THE REPLY OF THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS TO
(I) THE DEBTOR’S OPPOSITION TO, AND (II) THE UNITED
STATES TRUSTEE’S STATEMENT CONCERNING, THE MOTION
OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF
RUDOLPH W. GIULIANI FOR ENTRY OF AN ORDER DIRECTING THE
IMMEDIATE APPOINTMENT OF A TRUSTEE PURSUANT TO 11 U.S.C. § 1104**

The Official Committee of Unsecured Creditors (the “Committee”) appointed in the chapter 11 case of the above-captioned debtor (the “Debtor”) respectfully states as follows in support of this motion (this “Motion”):

JURISDICTION AND VENUE

1. The United States Bankruptcy Court for the Southern District of New York (this “Court”) has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the Southern District of New York entered February 1, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. §157(b)(2), and the Committee confirms its consent to the Court’s entering a final order in connection with this Motion to the extent that it is later determined that the Court, absent consent of the Committee, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

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

BACKGROUND

3. On December 21, 2023, the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. While the Committee’s Trustee Motion (as defined below) is pending, the Debtor is currently in possession of his property and is managing his affairs as a debtor and debtor in possession pursuant to Bankruptcy Code sections 1107(a) and 1108.

4. On January 12, 2024, the United States Trustee for the Southern District of New York (the “U.S. Trustee”) appointed the Committee pursuant to Bankruptcy Code section 1102 [Docket No. 46]. On January 16, 2024, the Committee selected Akin Gump Strauss Hauer & Feld LLP as its counsel. On February 9, 2024, the Committee selected Global Data Risk LLC as its specialized forensic financial advisor.

5. On May 28, 2024, the Committee filed a motion for the entry of an order directing the immediate appointment of a trustee pursuant to 11 U.S.C. § 1104 [Docket No. 233] (the “Trustee Motion”).

6. On June 10, 2024, (i) the U.S. Trustee filed a statement regarding the Trustee Motion [Docket No. 249] (the “UST Statement”) and (ii) the Debtor filed an opposition to the Trustee Motion [Docket No. 250] (the “Debtor Opposition”).

7. To respond to the arguments set forth in both the UST Statement and Debtor Opposition, the Committee is filing concurrently herewith a reply (the “Reply”). The Reply is 32 pages, exclusive of exhibits, and, as such, exceeds the 20-page limit for reply papers (the “Page Limit”) set forth in this Court’s Chambers Rules.

RELIEF REQUESTED

8. By this Motion, the Committee respectfully requests entry of an order, substantially in the form attached hereto as **Exhibit A**, (i) authorizing the Reply to exceed the Page Limit and (ii) granting the Committee such other and further relief as is just, proper and equitable.

BASIS FOR RELIEF

9. The Committee respectfully seeks to exceed the Page Limit in order to adequately address the numerous and varied allegations and arguments advanced by the Debtor in the Opposition and the U.S. Trustee in the UST Statement.

10. The Trustee Motion will enormously influence the trajectory of this bankruptcy case, and given the gravity of the relief requested by the Committee and its critical importance to forward progress in this chapter 11 case, it is necessary that the Committee respond to the myriad issues raised in the Opposition and UST Statement. To respond to these arguments fully and effectively, the Committee requests this Court’s authorization to exceed the Page Limit.

NOTICE

11. Notice of this Motion has been provided to: (i) the U.S. Trustee; (ii) bankruptcy counsel to the Debtor; and (iii) all parties requesting notice under Bankruptcy Rule 2002. Due to

the nature of the relief requested herein, the Committee submits that no other or further notice need be provided.

CONCLUSION

12. For the foregoing reasons, the Committee respectfully requests that the Court (a) enter the proposed order, substantially in the form attached hereto as **Exhibit A**, and (b) grant the Committee such other and further relief as is just, proper and equitable.

Dated: June 13, 2024
New York, New York

By: /s/ Philip C. Dublin
AKIN GUMP STRAUSS HAUER & FELD LLP
Ira S. Dizengoff
Philip C. Dublin
Abid Qureshi
One Bryant Park
New York, New York 10036
Tel: (212) 872-1000
Fax: (212) 872-1002
Email: idizengoff@akingump.com
pdublin@akingump.com
aqureshi@akingump.com

- and -

Rachel Biblo Block (admitted *pro hac vice*)
2300 N. Field St., Suite 1800
Dallas, Texas 75201
Tel: (214) 969-2800
Fax: (214) 969-4343
Email: rbibloblock@akingump.com

*Counsel to the Official Committee
of Unsecured Creditors of Rudolph W. Giuliani*

EXHIBIT A

Proposed Order

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

-----X
In re: : **Chapter 11**
: :
RUDOLPH W. GIULIANI : **Case No. 23-12055 (SHL)**
a/k/a RUDOLPH WILLIAM GIULIANI, : :
: :
Debtor. : :
-----X

**ORDER AUTHORIZING THE
COMMITTEE TO EXCEED THE PAGE
LIMIT FOR THE REPLY OF THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS TO
(I) THE DEBTOR’S OPPOSITION TO, AND (II) THE UNITED
STATES TRUSTEE’S STATEMENT CONCERNING, THE MOTION
OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF
RUDOLPH W. GIULIANI FOR ENTRY OF AN ORDER DIRECTING THE
IMMEDIATE APPOINTMENT OF A TRUSTEE PURSUANT TO 11 U.S.C. § 1104**

Upon the motion (the “Motion”)¹ of the Committee for entry of an order (this “Order”) authorizing the Reply to exceed the 20-page limit for reply papers set forth in this Court’s Chambers Rules, all as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the Southern District of New York entered February 1, 2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the facts and circumstances set forth in the Motion justify the relief granted herein; and this Court having found that good cause exists for the Motion and the relief requested therein

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

pursuant to Local Bankruptcy Rule 9077-1(b); and this Court having found that notice of the Motion was sufficient under the circumstances; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. The Committee's Reply may exceed the Page Limit for a total of no more than 40 pages, exclusive of exhibits.
3. The Committee is authorized to take all actions necessary to effectuate the relief granted in this Order.
4. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation and enforcement of this Order.

Dated: _____

THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE