

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

In re:

PITTSBURGH ATHLETIC ASSOCIATION, *et al.*¹,

Debtors.

PITTSBURGH ATHLETIC ASSOCIATION,
PITTSBURGH ATHLETIC ASSOCIATION
LAND COMPANY, THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS
OF THE PITTSBURGH ATHLETIC
ASSOCIATION, PITT AA LLC AND
OAKLAND FIFTH AVENUE HOTEL
ASSOCIATES, LP,

Movants,

v.

NO RESPONDENTS.

Jointly Administered at:
Bankruptcy No. 17-22222-JAD

Bankruptcy Nos:
17-22222-JAD, and
17-22223-JAD

Chapter 11

Docket Nos. 218 and 351

CONSENT MOTION TO EXTEND CLAIM CHALLENGE PERIOD

AND NOW, come the Pittsburgh Athletic Association (the “**PAA**”), the Pittsburgh Athletic Association Land Company (the “**PAALC**”, together with the PAA, the “**Debtors**”), the Official Committee of Unsecured Creditors of the Pittsburgh Athletic Association (the “**Committee**”), PITT AA LLC (“**PITT AA**”), as successor to Allegheny Valley Bank of Pittsburgh Pennsylvania (“**AVB**”) and Oakland Fifth Avenue Hotel Associates, LP (“**OFAHA**”) and file this Consent Motion to Extend Claim Challenge Period (the “**Motion**”), respectfully consenting as follows:

¹ The Debtors have the following cases pending Pittsburgh Athletic Association, Bankruptcy No. 17-22222-JAD and the Pittsburgh Athletic Association Land Company, Bankruptcy No. 17-22223-JAD, both cases are being jointly administered under Case No. 17-22222-JAD.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§157 and 1337 and this is a core proceeding under 28 U.S.C. §157(b)(2).

2. Venue is proper for this proceeding pursuant to the provisions of 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

3. On May 30, 2017 (the “**Petition Date**”), the Debtors each filed a Voluntary Petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §101 *et. seq.*, (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Western District of Pennsylvania at the above-captioned case numbers (the “**Bankruptcy Cases**”).

4. On May 31, 2017, Debtors filed an Expedited Motion for Entry of an Interim Order Pursuant to 11 U.S.C. §§ 105, 361, 362, 364 and 507, Fed. R. Bankr. P. 2002, 4001 and 9014 and Local Rule 4001-2 (I) Authorizing the Debtor and Debtor-In-Possession to Obtain First Priority and Priming Post-Petition Financing, (II) Granting Liens and Super-Priority Claims, (III) Scheduling a Final Hearing and (IV) Granting Related Relief (the “**First DIP Motion**”) [Docket No. 20].

5. On June 8, 2017, this Court entered an Interim Order approving the First DIP Motion (the “**First DIP Interim Order**”) [Docket No. 89].

6. On June 8, 2017, the Office of the United States Trustee formed the Committee.

7. On June 21, 2017, the Debtors, Committee, AVB and OFAHA filed a Stipulation and Consent Order prior to the July 3, 2017 response deadline and July 11, 2017 scheduled hearing for entry of a final order on the First DIP Motion (the “**Stipulation and Consent Order**”) [Docket No. 108].

8. On June 22, 2017, this Court entered the Stipulation and Consent Order [Docket No. 109].

9. On August 3, 2017, this Court entered a Final Order Pursuant to 11 U.S.C. §§ 105, 361, 362, 364 and 507, Fed. R. Bankr. P. 2002, 4001 and 9014 and Local Rule 4001-2 (I) Authorizing the Debtor and Debtor-In-Possession to Obtain First Priority and Priming Post-Petition Financing, (II)

Granting Liens and Super-Priority Claims, (III) Granting Related Relief (the “**Final DIP Order**”)

[Docket No. 218].

10. On October 2, 2017, Debtors filed a Second Expedited Motion for Entry of an Order Pursuant to 11 U.S.C. §§ 105, 361, 362, 364 and 507, Fed. R. Bankr. P. 2002, 4001 and 9014 and Local Rule 4001-2 (I) Authorizing the Debtor and Debtor-In-Possession to Obtain Additional Post-Petition Financing on a First Priority and Priming Bases, (II) Granting Liens and Super-Priority Claims, (III) Granting Related Relief (the “**Second DIP Motion**”) [Docket No. 344].

11. On October 6, 2017 this Court entered an Order granting the Second DIP Motion (the “**Second DIP Order**”) [Docket No. 351].

12. Paragraph 12 of the Final DIP Order and the Second DIP Order provide in relevant part:

12. Rights of Creditors and Interested Parties, Including the Committee. The Findings of Fact and Conclusions of Law set forth above in Paragraph (E)(i) and (ii), or any agreement by and between the Debtors, PITT AA, LLC, as successor to AVB, and/or OFAHA, shall be without prejudice to the rights of the Debtors, creditors and/or parties-in interest, including the Official Committee of Unsecured Creditors of Pittsburgh Athletic Association and Pittsburgh Athletic Association Land Company (the “Committee”), to investigate, file and to prosecute, if necessary: (i) any contest, dispute, claim, cause of action (including Chapter 5 Actions), objection and/or similar proceeding relating to the validity, priority, amount and/or extent of any claims and/or liens of AVB and/or PITT AA, LLC, as successor to AVB, and OFAHA against the Debtors and/or its assets (the “Claim Challenge”). The Debtors, creditors and/or parties-in-interest, including the Committee, shall commence any such action against AVB, PITT AA, LLC, as successor to AVB, and/or OFAHA under this paragraph 12 on or before ninety (90) days from the date of entry of the Final DIP Order (the “Claim Challenge Period”). By entry of the Final DIP Order and this Second DIP Order, and after discussion on the record held during the Final Hearing, the Committee is hereby granted standing, when applicable and in the event that the Debtors chose not to pursue such Claim Challenge, to pursue any Claim Challenge on behalf of the Debtors and their bankruptcy

estates. If no Claim Challenge is brought within the Claim Challenge Period, the Findings of Fact and Conclusion of Law contained in Paragraph (E)(i) and (ii) above shall become binding upon the Debtors, creditors and/or parties-in-interest, including the Committee. The Debtors and/or the Committee may seek to extend the Claim Challenge Period by the filing of a motion with this Court on or before the Claim Challenge Period deadline (the “Motion to Extend Claim Challenge Period”). *Upon the filing of the Motion to Extend Claim Challenge Period, the Claim Challenge Period is extended until such time as the Motion to Extend Claim Challenge Period has been heard and resolved by this Court.* [Docket No. 218, ¶12 and Docket No. 351, ¶12] (emphasis added).

13. The Claim Challenge Period deadline is November 1, 2017.

REQUESTED RELIEF

14. Pursuant to the Final DIP Order and the Second DIP Order, on or before the Claim Challenge Period deadline, the Debtors and/or the Committee may seek to extend the Claim Challenge Period deadline by filing a Motion to Extend Claim Challenge Period. Further, pursuant to the Final DIP Order and the Second DIP Order, the filing of a Motion to Extend Claim Challenge Period acts to extend the Claim Challenge Period until such time as the Motion to Extend Claim Challenge Period has been heard and resolved by this Court [Docket No. 218, ¶12 and Docket No. 351, ¶12].

15. The Debtors, the Committee, PITT AA and OFAHA have consented and agreed that the Claim Challenge Period, as defined in Paragraphs 12 of the Final DIP Order and the Second DIP Order, be extended thirty (30) days to November 30, 2017.

WHEREFORE, the Debtors, the Committee, PITT AA and OFAHA respectfully request that this Honorable Court enter the Consent Order attached to this Motion and grant any such relief that is just and proper.

[SIGNATURE PAGE TO FOLLOW].

Dated: October 31, 2017

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