

BMC creditors really want to quiz ex-suitor

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As Bayonne Medical Center workers wait to see if they'll still have jobs next year with a new employer, a skirmish involving a former would-be buyer of the bankrupt hospital is playing out through legal channels.

The debtor hospital's unsecured creditors committee got the court's OK to issue subpoenas for Robert Miller, listed as managing member of Urban Suburban Associates, LLC, who represented to the bankruptcy court on Nov. 1 that the firm would deposit \$2.25 million as a downpayment toward purchasing the BMC.

"Subsequently, Urban breached the APA (asset purchase agreement) by ... failing to deliver to the debtor a deposit in the amount of \$2.25 million," the unsecured creditors committee alleged in papers filed with the U.S. Bankruptcy Court in Newark.

BMC has agreed to sell to IJKG, LLC, of Iselin, pending

state approval of the transaction and a real estate closing expected sometime next month.

The unsecured creditors committee has been on the trail of Miller, in an effort to get him to produce "certain documents related to the sale transaction ...," court papers say. To that end, the committee "prepared subpoenas" and tried to get Miller served.

But, "despite numerous attempts to serve Mr. Miller at his residence ... (in) Wyckoff, (the process server) was unable to effectuate personal service on Mr. Miller. ... On at least two occasions, Mr. Miller was home but refused to open the door (to the server)."

Now the committee is asking the court to allow it to serve subpoenas by first class mail, overnight mail, and electronic mail to Miller, and by electronic mail to attorney David Weiss, who was listed as Urban Suburban's counsel, although Weiss has since distanced himself from any involvement in the matter.