

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 7
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Kossoff PLLC, : Case No. 21-10699 (DSJ)
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Debtor. :
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**ORDER TO SHOW CAUSE (A) SCHEDULING A
HEARING TO CONSIDER ENTRY OF A CONTEMPT CITATION, THE
IMPOSITION OF SANCTIONS AND (B) DIRECTING AMERICAN NATIONAL
LIFE INSURANCE COMPANY OF NEW YORK TO ATTEND SUCH HEARING**

On May 24, 2021, the Court entered its *Order Authorizing Trustee to Issue Subpoenas and Obtain Testimony for Injunctive Relief* [Docket No. 27] (the “Rule 2004 Order”) and on June 10, 2021, the Court entered its *Final Order Granting Injunctive Relief* [Docket No. 62]; and Albert Togut, not individually but solely in his capacity as the Chapter 7 Interim Trustee of the above-captioned debtor (the “Debtor”), issued a subpoena to American National Life Insurance Company of New York (“American National”) on June 10, 2021 pursuant to the Rule 2004 Order which required American National to, among other things, produce to the Trustee documents and communications responsive to the requests contained therein (collectively, the “Responsive Materials”) by June 21, 2021; and on July 2, 2021, the Trustee made a written demand to American National for compliance with the Subpoena; and on August 27, 2021 the Trustee filed the *Motion for an Order Compelling American National Life Insurance Company of New York to Comply with Bankruptcy Rule 2004 Order* [Docket No. 152]; and on September 10, 2021, the Court entered its *Order Compelling American National Life Insurance Company of New York to Comply with Bankruptcy Rule 2004 Order* (the “Order to Compel”); and counsel for the Trustee having timely served a copy of the Order to Compel

upon American National, consistent with the terms thereof; and counsel for the Trustee having represented that they attempted to contact American National twice by telephone following the service of the Order to Compel and prior to the Trustee's report to this Court regarding the status of this matter, without having received any response despite leaving voicemails with information concerning this matter and the procedural posture of same; and American National having failed to fully comply with the Order to Compel by September 20, 2021; and the Court having conducted a status conference concerning the Order to Compel on September 30, 2021 (the "Status Conference"); and it appearing that the Trustee, by his counsel, attempted to contact American National by telephone again following the Status Conference, having left a message, in response to which the Trustee did not receive a response; and based upon the record of the Status Conference and upon all of the prior pleadings and proceedings had herein; it is hereby

ORDERED, that American National is directed to appear before the Court on October 19, 2021 at 10:00 AM (Prevailing Eastern Time) (the "October 19 Hearing"); and it is further

ORDERED, that the October 19 Hearing shall take place via Zoom for Government. Those wishing to appear for before the Court at the October 19 Hearing must register for appearance utilizing the Electronic Appearance portal located at the Court's website: <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>. Appearances must be entered no later than October 18, 2021 at 4:00 PM (Prevailing Eastern Time); and it is further

ORDERED, that at the October 19 Hearing, the Court will conduct a hearing and will consider entry of a further order declaring that American National has been in civil contempt for failure to comply with the Rule 2004 Order and the Subpoena; and it is further

ORDERED, that at the October 19 Hearing, the Court will determine the nature and extent of additional coercive civil sanctions that may be imposed to compel American National's compliance with the Rule 2004 Order and the Subpoena; and it is further

ORDERED, that not later than one (1) business day after the date of entry of this Order, the Trustee shall serve a copy of this Order by email (where practical) and FedEx upon: (a) American National Life Insurance Company of New York, 1 Moody Plaza, Galveston, Texas 77550, Attn: President, Officer, General or Managing Agent; (b) the United States Trustee for the Southern District of New York, 201 Varick Street, Suite 1006, New York, New York 10004-1408, Attn: Andy Velez-Rivera, Esq. (andy.velez-rivera@usdoj.gov); and (c) all parties that have filed a notice of appearance in this case.

Dated: New York, New York
October 4, 2021

s/ David S. Jones
HONORABLE DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE