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

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In re:		)	Chapter 11
		)	
ATARI, INC., <i>et al.</i> ,		)	Case No. 13-10176 (JMP)
		)	
Debtors. <sup>1</sup>		)	(Jointly Administered)
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**DECLARATION OF ERIC C. SEITZ IN SUPPORT OF DEBTORS' MOTION FOR  
ENTRY OF AN ORDER APPROVING CONSENSUAL EXTENSION OF THE  
DEADLINE UNDER BANKRUPTCY CODE SECTION 365(d)(4)(B)**

I, Eric C. Seitz, hereby declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury:

1. My name is Eric C. Seitz. I am an attorney at law admitted and in good standing to practice in the State of Texas. I am an associate with the law firm of Akin Gump Strauss Hauer & Feld LLP ("*Akin Gump*"), which firm represents the above-captioned debtors and debtors in possession (collectively, the "*Debtors*") in these chapter 11 cases.

<sup>1</sup> The Debtors are Atari, Inc., Atari Interactive, Inc., Humongous, Inc., and California U.S. Holdings, Inc.

2. I make this declaration in support of the *Debtors' Motion for Entry of an Order Approving Consensual Extension of the Deadline Under Bankruptcy Code Section 365(d)(4)(B)* (the "**Motion**"),<sup>2</sup> filed on August 19, 2013 [Docket No. 345].

3. I am familiar with such documents referred to herein. As to the facts set forth herein, I know them to be true based of my own knowledge or knowledge of them gained from the business records of Akin Gump.

4. It is my understanding that 475 Building Company, LLC is the lessor under the Headquarters Lease (the "**Lessor**").

5. Prior to the Debtors' filing of the Motion, I corresponded with Messrs. Jay B. Itkowitz and Andrew M. Smith regarding the relief sought in the Motion.

6. On August 16, 2013, I received an email message (the "**Email**") from Mr. Itkowitz giving me permission to advise the Court "that the Landlord consents to the motion." A true and correct copy of the Email is attached to the Motion as Exhibit B.

7. It is my understanding, based on my previous communication with Mr. Itkowitz, that the "Landlord" referred to in the Email was in reference to the Lessor and the "motion" referred to in the email was in reference to the Motion, and that the Email served as the Lessor's consent to the relief sought in the Motion.

8. It has been represented to me by Mr. Itkowitz that he an attorney with the law firm of Itkowitz PLLC, which firm serves as counsel to the Lessor. It is my understanding that Mr. Itkowitz has authority to act on behalf of the Lessor.

9. It is my understanding that Mr. Smith serves as Senior Vice-President of Cohen Brothers Realty Corporation, which entity is an affiliate of the Lessor.

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<sup>2</sup> Capitalized terms not defined herein shall have the meaning given to them in the Motion.

10. Other parties to whom the Email was sent included Kristen Keller, Todd Shallbetter and Kristine G. Manoukian. Ms. Keller and Mr. Shallbetter are employed by the Debtors. Ms. Manoukian is an attorney with Akin Gump representing the Debtors in these chapter 11 cases.

I declare under penalty of perjury that the foregoing is true and correct.

Dallas, Texas  
Dated: September 6, 2013

By: /s/ Eric C. Seitz  
Eric C. Seitz