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The Jennifer Convertibles Litigation Trust

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

	)	
In re:	)	Chapter 11
JENNIFER CONVERTIBLES, INC., <i>et al.</i> <sup>1</sup>	)	Case No. 10-13779 (ALG)
Reorganized Debtors.	)	(Jointly Administered)
	)	
	)	

**FIFTH POST-CONFIRMATION STATUS REPORT OF THE TRUST  
ADMINISTRATOR FOR THE JENNIFER CONVERTIBLES LITIGATION TRUST**

*This Fifth Post-Confirmation Status Report of the Trust Administrator for the Jennifer Convertibles Litigation Trust (the “Fifth Report”) is filed in accordance with:*

(i) Paragraph 18 of the *Findings of Fact, Conclusions of Law, and Order Confirming the Amended Joint Chapter 11 Plan of Reorganization of Jennifer Convertibles, Inc. and its Affiliated Debtors* entered in the above-captioned cases on February 9, 2011 (the “Confirmation Order”);<sup>2</sup> (ii) Article IX of the *Amended Joint Chapter 11 Plan of Reorganization for Jennifer*

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<sup>1</sup> The debtors in these chapter 11 cases are: (i) Jennifer Convertibles, Inc.; (ii) Jennifer Convertibles Boylston MA, Inc.; (iii) Jennifer Chicago Ltd.; (iv) Elegant Living Management, Ltd.; (v) Hartsdale Convertibles, Inc.; (vi) Jennifer Management III Corp.; (vii) Jennifer Purchasing Corp.; (viii) Jennifer Management II Corp.; (ix) Jennifer Management V Ltd.; (x) Jennifer Convertibles Natick, Inc.; (xi) Nicole Convertibles, Inc.; and (xii) Washington Heights Convertibles, Inc. (collectively, the “Debtors”).

<sup>2</sup> Docket Entry No. 491.

*Convertibles, Inc. and its Affiliated Debtors*, dated December 21, 2010 (the “Plan”);<sup>3</sup> (iii) Section 3.10 of the *Litigation Trust Agreement and Declaration of Trust* dated February 22, 2012 (the “Trust Agreement”); and (iv) Rule 3021-1 of the *Local Bankruptcy Rules for the Southern District of New York* (the “Local Rules”).

The Plan became effective on February 22, 2011 (the “Effective Date”). On the Effective Date, the Jennifer Convertibles Litigation Trust (the “Trust”) was established. The Confirmation Order contemplates that, notwithstanding the applicable provisions of the Trust Agreement and Local Rule 3021-1, every January 30<sup>th</sup>, April 30<sup>th</sup>, July 30<sup>th</sup> and October 30<sup>th</sup> and until the Trust is terminated, quarterly updates showing any and all disbursements made by the Litigation Trust during the preceding quarter will be filed with the Court and served upon the U.S. Trustee.<sup>4</sup>

The following post-confirmation status reports have previously been filed in accordance with the Confirmation Order:

- *First Post-Confirmation Status Report of the Trust Administrator for the Jennifer Convertibles Litigation Trust*, filed with this Court on October 29, 2012,<sup>5</sup> detailing the disbursements made by the Trust from its inception through the third calendar quarter of 2012;
- *Second Post-Confirmation Status Report of the Trust Administrator for the Jennifer Convertibles Litigation Trust*, filed with this Court on January 31, 2013,<sup>6</sup> detailing the disbursements made by the Trust during the fourth calendar quarter of 2012;
- *Third Post-Confirmation Status Report of the Trust Administrator for the Jennifer Convertibles Litigation Trust*, filed with this Court on April 30, 2013,<sup>7</sup> detailing the disbursements made by the Trust during the first

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<sup>3</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Plan.

<sup>4</sup> Confirmation Order, at ¶ 18.

<sup>5</sup> Docket Entry No. 826.

<sup>6</sup> Docket Entry No. 835.

<sup>7</sup> Docket Entry No. 837.

calendar quarter of 2013; and

- *Fourth Post-Confirmation Status Report of the Trust Administrator for the Jennifer Convertibles Litigation Trust*, filed with this Court on July 30, 2013,<sup>8</sup> detailing the disbursements made by the Trust during the second calendar quarter of 2013.

Pursuant to the Plan and the Trust Agreement, the Trust has undertaken the following activities, among others, during the third calendar quarter of 2013, *i.e.*, between July 1, 2013 and September 30, 2013 (the “Reporting Period”):

- Continued prosecution of adversary proceedings against various defendants seeking the return of preferential and/or fraudulent transfers pursuant to Chapter 5 of the Bankruptcy Code (“Avoidance Actions”);
- Filed tax returns on behalf of the Trust; and
- Handled creditor inquiries.

The following activity has occurred with respect to Trust assets during the Reporting Period (all amounts reflect Cash values):

Opening balance (July 1, 2013)	\$	627,286
Additions <sup>9</sup>	\$	39,155
Plan disbursements <sup>10</sup>	\$	(0)
Operating costs <sup>11</sup>	\$	<u>(38,995)</u>
Ending balance (September 30, 2013)	\$	<u><u>627,446</u></u>

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<sup>8</sup> Docket Entry No. 840.

<sup>9</sup> Additions include proceeds of Avoidance Actions and interest income.

<sup>10</sup> No payments were issued to Holders of Allowed General Unsecured Claims during the third calendar quarter of 2013.

<sup>11</sup> Operating costs consist of Trust Administrator fees and professional expenses.

Dated: New York, New York  
October 29, 2013

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