

SAUL EWING LLP
John J. Jerome (JJ-2413)
400 Madison Avenue, Suite 12B
New York, NY 10017
Telephone: (212) 980-7200
Facsimile: (212) 980-7209

Hearing Date: August 26, 2010 10:00 a.m. ET
Objection Deadline: August 20, 2010 4:00 p.m. ET

Joyce A. Kuhns (JK-8435)
Lockwood Place
500 East Pratt Street, Suite 800
Baltimore, MD 21202-3171
Telephone: (410) 332-8600
Facsimile: (410) 332-8862

*Attorneys for Post-Dissolution Trustee of Impath Inc. and
Trustee of the Impath Bankruptcy Liquidating Trust*

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

-----X
IN RE: : **Chapter 11**
: :
IMPATh INC., et al., : **Case No. 03-16113 (SCC)**
: :
Debtors. : **(Jointly Administered)**
-----X

**NOTICE OF MOTION FOR ENTRY OF AN ORDER TO EXTEND IMPATH BANKRUPTCY
LIQUIDATING TRUST TO ENABLE TRUSTEE TO COLLECT
AND DISTRIBUTE PENDING STATE TAX REFUNDS AND COMPLETE WIND-UP**

PLEASE TAKE NOTICE that a hearing to consider the Motion for Entry of an Order to Extend the Impath Bankruptcy Liquidating Trust to Enable the Trustee to Collect and Distribute Pending State Tax Refunds and Complete Wind-Up (the "Motion") will be held on **August 26, 2010 at 10:00 a.m.** (the "Hearing") before the Honorable Shelley C. Chapman, United States Bankruptcy Judge in Room 610 of the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court"), Alexander Hamilton Custom House, One Bowling Green, New York, NY 10004.

I. Remaining Wind Down Items

The final phase of this Case has been largely devoted to the diligent pursuit of all remaining state and federal income tax refunds resulting from the significant overstatement of income on prior income tax returns as well as certain post-petition activities of Impath Inc. ("Impath"). There are only two items left to recover, and it is necessary to extend the Trust expiration date to have sufficient time to recover them. The first of the two items is the recovery from the State of California ("California") of approximately \$1,198,000 in income tax refunds relating to Impath's amended income tax returns for the calendar years 1999 through 2005 (the "Amended Returns"). California has now concluded its audit of the Amended Returns. The audit is under review by the Trustee and his tax accountants and pending final approval from the California tax authorities. The second item is a federal income tax refund in the amount of \$37,000 with respect to taxes that were previously paid by Impath. Interest received by Impath with respect to tax refunds will be subject to federal and state income taxation. Impath has made requisite federal, state and local income tax deposits for 2010 because Impath expects to have taxable income for this year. Subject to receipt of the California and federal income tax refunds, the Trustee is contemplating a final distribution in the Fall of 2010 and a final accounting in the Case at which time he will request entry of a Final Decree. As of July 22, 2010, the Trustee had approximately \$5,356,000 of cash available for distribution to beneficial holders. Although there can be no guarantee, the Trustee hopes that the distribution of those funds will be enhanced by the recovery of the final two remaining tax refunds.

II. Relief Requested - Extension of the Trust

Under Section 6.5(m) of the Plan and Section 7.1 of the Trust, the Trust is set to expire by July 22, 2010, unless its term is extended by the Court as “necessary to facilitate or complete the recovery and liquidation of the Liquidating Trust Assets and winding up of the Debtors’ affairs.” Trust, §7.1. A 5-year term was initially set to facilitate prompt administration of the Trust. Given the necessity of filing tax returns in connection with interest earned on final tax refunds, the Trustee believes that a one-year extension of the Trust through July 22, 2011 is warranted in order to ensure that all tax filings are finalized in order to close out the Trust and tie up the remaining loose ends.

III. Notice

Notice is being provided in accordance with the established practice in this Case: (i) by posting notice to the Trustee’s Impath website at www.bridgellc.com and on Depository Trust Company’s electronic broker/dealer bulletin board, and (ii) mailing notice to all known registered holders of Class A beneficial interest certificates. This Notice of Motion is being posted and mailed in lieu of the quarterly post-confirmation report otherwise due in July 2010.

PLEASE TAKE FURTHER NOTICE that on or before August 20, 2010 at 4:00 p.m. (the “Objection Deadline”) any Objection to the relief request must be filed and served on: (i) Clerk, United States Bankruptcy Court; (ii) John J. Jerome, Esq., Saul Ewing, LLP, 400 Madison Avenue, Suite 12B, New York, NY 10017 and Joyce A. Kuhns, Saul Ewing LLP, Lockwood Place, 500 East Pratt Street, Suite 800, Baltimore, MD 21202-3171, counsel for the Trustee; and (iii) Paul K. Schwartzberg, Esq., Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21st Floor, New York, NY 10004. Objections must (i) be in writing, (ii) conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court for the Southern District of New York, (iii) must set forth the name of the objecting party, the basis for the Objection and the specific grounds therefore; and (iv) be filed with the Bankruptcy Court electronically in accordance with General Order M-242 (which can be found at www.nysb.uscourts.gov) by registered users of the court’s case filing system, and by all other parties in interest, on a 3.5 inch disk, preferably in portable document format (PDF), Word Perfect or any other Windows-based word processing format.

PLEASE TAKE FURTHER NOTICE that if an Objection is not received by the Objection Deadline, the relief requested in the Motion shall be deemed unopposed and the Bankruptcy Court may enter an order granting the relief sought, without a hearing.

PLEASE TAKE FURTHER NOTICE that responding parties are required to attend the Hearing and failure to appear may result in relief being granted upon default.

Dated: July 22, 2010

SAUL EWING LLP

John J. Jerome
SAUL EWING LLP
400 Madison Avenue, Suite 12B
New York, NY 10017
Telephone: (212) 980-7200

and

By: /s/ Joyce A. Kuhns
Joyce A. Kuhns
SAUL EWING LLP
Lockwood Place
500 East Pratt Street, Suite 800
Baltimore, MD 21202-3171
Telephone: (410) 332-8600

*Counsel to Post-Dissolution Trustee of Impath
Inc. and Trustee of the Impath Bankruptcy
Liquidating Trust*