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8 Counsel for Unsecured Creditors, *Synergy Partners USA, LLC and*
9 *Michael Cohen*

10
11 **UNITED STATES BANKRUPTCY COURT**
12 **Central District of California**
13 **Los Angeles Division**

14 In re:
15 COLOREP, INC.
16 A California corporation, et al.,

17 Debtors,

18 Tax I.D. Nos. 94-3055026 (Colorep, Inc.) and
19 54-1200496 (Transprint USA, Inc.)

20 Case No. 2:13-bk-27689-JWB

21 Chapter 11

22 (Jointly Administered)

23 **DECLARATION OF THOMAS VARIAN IN**
24 **SUPPORT OF MOTION OF SYNERGY**
25 **PARTNERS USA, LLC AND MICHAEL**
26 **COHEN FOR AN ORDER: (1) ALLOWING**
27 **ADMINISTRATIVE EXPENSE CLAIMS; AND**
28 **(2) COMPELLING PURCHASERS TO PAY**
ADMINISTRATIVE CLAIMS, OR, IN THE
ALTERNATIVE, REQUIRING ESBA TO
DISGORGE PROFESSIONAL FEES FOR
PAYMENT OF ADMINISTRATIVE EXPENSE
CLAIMS

Date: May 15, 2014

Time: 10:00 a.m.

Judge: Hon. Julia W. Brand

Crt. Rm.: 1375

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DECLARATION OF THOMAS VARIAN IN SUPPORT OF MOTION OF SYNERGY PARTNERS USA, LLC
AND MICHAEL COHEN FOR AN ORDER: (1) ALLOWING ADMINISTRATIVE EXPENSE CLAIMS; AND
(2) COMPELLING PURCHASERS TO PAY ADMINISTRATIVE CLAIMS, OR, IN THE ALTERNATIVE,
REQUIRING ESBA TO DISGORGE PROFESSIONAL FEES FOR PAYMENT OF ADMINISTRATIVE
EXPENSE CLAIMS

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DECLARATION OF THOMAS VARIAN

I, Thomas Varian, declare under penalty of perjury pursuant to 28 U.S.C. §1746 as follows:

1. I am the President of Synergy Partners USA, LLC (“Synergy”), which is an unsecured and unpaid creditor of one or more of the Debtors in the bankruptcy case entitled *In Re Colorep, Inc., et al.* (Case No. 2:13-bk-27689-WB).

2. I have personal knowledge of the facts set forth herein and if called up to do so, I could and would competently testify thereto under oath.

3. Synergy is a recruiting company that was retained by Transprint USA, Inc. (“Transprint”) to supply personnel for the employment needs of Transprint. Synergy provided recruitment services to Transprint, in the ordinary course of Transprint’s business, both before the Transprint’s Petition for bankruptcy (“Petition”) was filed on July 10, 2013 and after the Petition date.


4. On or about August 5, 2013 and pursuant to Mark Fox’s (the interim CEO of the Debtors) request, Synergy Partners referred Nikole Batista to work for Debtors pursuant to their specific needs and requests. The recruitment fee of \$18,000 owed to Synergy by Transprint is for the placement of Ms. Batista. Attached to this declaration as Exhibit “A” is a true and correct copy

1 of the Synergy invoice that was forwarded to John McPherson at Transprint on August 5, 2013. As
2 of the date of this declaration, Synergy has not received payment for its August 5, 2013 invoice. The
3 work that I undertook at the request of Transprint was for the benefit of Transprint and was agreed to
4 by Transprint. The best of my knowledge, Ms. Batista continues in her employment of Debtors and
5 the subsequent purchasers. I have never received any communication that the \$18,000 owed to
6 Synergy was disavowed by anyone.
7

8 5. I had no knowledge until very recently that Synergy's unpaid invoice in the amount
9 of \$18,000 was not included in the administrative claims to be paid through the Debtors' estate or
10 that Purchasers had not assumed Synergy's invoice as part of their assumed liabilities under the sale
11 agreement. I also had no knowledge that Synergy's invoice was not included in any post-petition
12 budget of the Debtors which, to the best of my knowledge, contained only general categories of
13 budget amounts.
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15 I declare under penalty of perjury under the laws of the United States, the foregoing
16 statements are true and correct.

17 Executed this 15th day of May, 2014

18 

19 Thomas Varian on behalf of
20 Synergy Partners USA, LLC.
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

4333 Park Terrace Drive, Suite 205, Westlake Village, CA 91361

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION OF THOMAS VARIAN IN SUPPORT OF MOTION OF SYNERGY PARTNERS USA, LLC AND MICHAEL COHEN FOR AN ORDER: (1) ALLOWING ADMINISTRATIVE EXPENSE CLAIMS; AND (2) COMPELLING PURCHASERS TO PAY ADMINISTRATIVE CLAIMS, OR, IN THE ALTERNATIVE, REQUIRING ESBA TO DISGORGE PROFESSIONAL FEES FOR PAYMENT OF ADMINISTRATIVE EXPENSE CLAIMS** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **May 15, 2014**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **May 15, 2014**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL

(state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

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

May 15, 2014
Date

Haley Pinkston
Printed Name

/s/ Haley Pinkston
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

SERVICE LIST

Served by Overnight Delivery:

Hon. Julia W. Brand
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1382 / Courtroom 1375
Los Angeles, CA 90012

Served by US Mail:

Mesorole, LLC
Ari Hurt
152 West 57th Street, 54th Floor
New York, New York 10019

Fuller Smith Capital Management, LLC.
Attn: Daniel J. Fuller
23 Jefferson Road
Princeton, New Jersey 08540

Served Electronically by Court's Notice of Electronic Filing ("NEF") System:

- **Martin J Brill** mjb@lnbrb.com
- **Daren Brinkman** office@brinkmanlaw.com
- **Melanie Scott Green** Melanie.green@usdoj.gov
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- **United States Trustee (LA)** ustpregion16.la.ecf@usdoj.gov