

Fill in this information to identify the case:

Debtor 1 GGI Holdings, LLC
Debtor 2 _____
(Spouse, if filing)
United States Bankruptcy Court for the: Northern District of Texas, Amarillo Division
Case number 20-31318-hdh11

E-Filed on 06/22/2020
Claim # 97

Official Form 410 Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. **Who is the current creditor?** American Zurich
Name of the current creditor (the person or entity to be paid for this claim)
Other names the creditor used with the debtor _____

2. **Has this claim been acquired from someone else?** No
 Yes. From whom? _____

| 3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) | Where should notices to the creditor be sent? | Where should payments to the creditor be sent? (if different) |
|---|---|---|
| | <u>American Zurich</u> Name <u>PO Box 68549 PO Box 19253</u> Number Street <u>Schaumburg MN 60196</u> City State ZIP Code Contact phone _____ Contact email <u>Wendy.messner@iqor.com</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____ | _____ Name _____ Number Street _____ City State ZIP Code _____ Contact phone _____ _____ Contact email _____ |

4. **Does this claim amend one already filed?** No
 Yes. Claim number on court claims registry (if known) _____ Filed on _____
MM / DD / YYYY

5. **Do you know if anyone else has filed a proof of claim for this claim?** No
 Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 0 7 6 3

7. How much is the claim? \$ 1.00. Does this amount include interest or other charges? No Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.
Insurance Obligation

9. Is all or part of the claim secured? No Yes. The claim is secured by a lien on property.
Nature of property:
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
 Motor vehicle
 Other. Describe: _____
Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ _____
Annual Interest Rate (when case was filed) _____ %
 Fixed
 Variable

10. Is this claim based on a lease? No Yes. Amount necessary to cure any default as of the date of the petition. \$ 0.00

11. Is this claim subject to a right of setoff? No Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

No

Yes. Check one:

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ 0.00

\$ 0.00

\$ 0.00

\$ 0.00

\$ 0.00

\$ 0.00

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

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

Executed on date 06/22/2020
MM / DD / YYYY

American Zurich Insurance Company
Signature

Print the name of the person who is completing and signing this claim:

Name Wendy Messner
First name Middle name Last name

Title Agent

Company RMS
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State ZIP Code

Contact phone _____ Email _____

Attachment 1 - EXHIBIT TO GGI Holdings LLC ~ American Zurich Insurance Company.docx.pdf

Description -

**EXHIBIT TO American Zurich Insurance Company (4/1/1981),
AND
American Zurich Insurance Company (4/1/1981)**

PROOF OF CLAIM / GGI Holdings, LLC (Gold's Gym)

American Zurich Insurance Company (4/1/1981), issued to GGI Holdings, LLC (Gold's Gym) and to certain of its affiliates (“Debtors”), insurance policies for the policy periods 4/1/18-21 (as amended, the “Policies”).

Under the Policies and related agreements, Debtors, as insureds are obligated to reimburse Zurich for Zurich’s payments on claims up to the deductible level for each occurrence. Debtors are also obligated to pay retrospective premium to Zurich up to certain loss limits for each occurrence. Furthermore, the Debtors are obligated to Zurich with respect to any and all rights and entitlements that Zurich has or may have in the future to audit premium, unpaid premium, breach of contract, indemnification, contribution, subrogation, reimbursement, unjust enrichment or other rights to payment, including without limitation, damages, costs and expenses related thereto, including attorneys’ fees, from the Debtors arising from or in connection with the Policies, and any agreements between Zurich and the Debtors relating to the Policies.

Zurich expressly reserves the right to amend or supplement this Proof of Claim at any time for whatever reason, including without limitation, for the purpose of filing additional claims or to specify the amount of Zurich’s unliquidated claims as they become liquidated, or to update its estimates of the amount owed to Zurich.

By virtue of the filing of the Proof of Claim, Zurich does not waive, and hereby expressly reserves, its rights to pursue claims, including, but not limited to, the claims described herein, against the Debtors based upon alternative legal theories.

To the extent that Debtors assert against Zurich claims of any kind arising from the Policies, such claims by Debtors against Zurich are subject to rights of setoff and/or recoupment. Zurich also may have setoff rights against Debtors with respect to any and all other claims of any nature whatsoever that Debtors may assert against Zurich. (All setoff rights are referred to herein as the “Setoff Rights.”) The Setoff Rights are treated as secured claims under the United States Bankruptcy Code, 11 U.S.C. § 101, *et seq.* Nothing set forth herein should be construed as an admission that any claims or cause of action exist against Zurich.

Due to the voluminous nature of the Policies, the related agreements, and actuarial projections supporting the amount of Zurich’s claims, these documents are not attached to this Proof of Claim. Zurich will provide these documents upon request.