

7/11/10

UNITED STATES BANKRUPTCY COURT		District of Delaware	PROOF OF CLAIM
Name of Debtor: HMP Services Holding Sub III, LLC, et al.		Case Number: 10-13618-BLS	
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.			
Name of Creditor (the person or other entity to whom the debtor owes money or property): Michelle Chow, Chapter 7 Trustee of Venture Packing, Inc., EDTX 09-42905		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.	
Name and address where notices should be sent: Mark I. Agee, Attorney, 5401 N. Central Expy. Suite 220, Dallas, TX 75205 DallasBankruptcyLawyer@gmail.com		Court Claim Number: _____ (If known)	
Telephone number: (214) 320-0079		Filed on: _____	
Name and address where payment should be sent (if different from above): Michelle Chow, Chapter 7 Trustee of Venture Packing, Inc., EDTX 09-42905, 5401 N. Central Expressway, Suite 218, Dallas, TX 75205		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.	
Telephone number: (214) 521-6627		<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.	
1. Amount of Claim as of Date Case Filed: \$ 17,496.11		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.	
If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.		<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).	
If all or part of your claim is entitled to priority, complete item 5.		<input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4).	
<input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		Specify the priority of the claim.	
2. Basis for Claim: <u>Avoidable Preference</u> (See instruction #2 on reverse side.)		<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5).	
3. Last four digits of any number by which creditor identifies debtor: _____		<input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7).	
3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8).	
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.		<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)().	
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other		Amount entitled to priority: \$ _____	
Describe:			
Value of Property: \$ _____ Annual Interest Rate % _____			
Amount of arrearage and other charges as of time case filed included in secured claim,			
if any: \$ _____ Basis for perfection: _____			
Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____			
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.			
7. Documents: Attach redacted copies of any orders, invoices, itemized statements of running account, etc. You may also attach a summary. Attach redacted copies of a security interest. You may also attach a summary of the security interest.			
DO NOT SEND ORIGINAL DOCUMENTS. SCANNING.			
If the documents are not available, please explain:			
Date: 7/1/11		Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.	
Michelle Chow, Chapter 7 Trustee		Michelle H. Chow, Trustee	

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 1593 and 1597

FOR COURT USE ONLY
FILED / RECEIVED

JAN 11 2011

EPIC BANKRUPTCY
SOLUTIONS, LLC

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was served via United States First Class Mail to the parties listed below on Friday, January 7, 2011.

\\server1\Users\Trustee Cases\Venture Package\Pitman Preference\Pitman bankruptcy\CERTIFICATE OF SERVICE\This is to certify that a copy of the.wpd

/s/ Mark I. Agee

Mark Ian Agee

Mark Minuti Saul Ewing LLP 222 Delaware Ave, Suite 1200 P.O. Box 1266 Wilmington, DE 19899	United States Trustee 844 King Street, Room 2207 Lockbox #35 Wilmington, DE 19899-0035
HMP Services Holding Sub III, LLC, et al. Claims Processing Center c/o Epiq Bankruptcy Solutions, LLC FDR Station, P.O. Box 5082 New York, NY 10150-5082	

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

EOD
10/25/2010

IN RE:

Venture Packaging, Inc.
2407 Texoma Drive
Denison, TX 75020
TIN: 20-00843065

Case No. 09-42905 btr
Chapter

Debtor(s)

Michelle Chow, Trustee
Plaintiff(s)
vs.
Pitman Company
Defendant(s)

Adversary No. 10-04158 btr

ENTRY OF DEFAULT BY COURT

ON THIS DATE the Court conducted a *sua sponte* review of the file in the above-referenced adversary proceeding. The Court finds that the Complaint in this proceeding was filed on July 13th, 2010 and served upon Defendant, Pitman Company, on July 14th, 2010. The Court further finds that such Defendant has failed to respond to the Complaint in the manner and within the time period designated by the Federal Rules of Bankruptcy Procedure. Accordingly,

IT IS THEREFORE ORDERED that the default is hereby entered against Defendant, Pitman Company, pursuant to Federal Rule of Bankruptcy Procedure 7055(a).

IT IS FURTHER ORDERED that the Plaintiff, Michelle Chow, Trustee, shall, within 14 calendar days of the entry of this Order, submit a motion for default judgment with supporting affidavits which meets the requirements set forth in Federal Rule of Bankruptcy Procedure 7055(b)(2), as well as a proposed form of judgment for execution by the Court.

Signed on 10/21/2010

Brenda T. Rhoades SR
HONORABLE BRENDA T. RHOADES,
CHIEF UNITED STATES BANKRUPTCY JUDGE

Exhibit A
Page 1 of 1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

VENTURE PACKAGING, INC.

Debtor

Case No. 09-42905

(Chapter 7)

IN RE:

MICHELLE H. CHOW, CHAPTER 7
TRUSTEE

PLAINTIFF

v.

PITMAN COMPANY

DEFENDANT

ADVERSARY PROCEEDING NUMBER

10-04158

COMPLAINT TO AVOID PREFERENTIAL TRANSFER

TO THE HONORABLE BRENDA RHOADES;
UNITED STATES BANKRUPTCY JUDGE:

Michelle H. Chow (the "Trustee"), the chapter 7 bankruptcy trustee for the above-referenced Debtor files this Complaint and states:

PARTIES

1. Michelle H. Chow, the plaintiff herein, is the duly appointed chapter 7 Trustee.
2. Defendant is a foreign corporation which operates, apparently without authorization, in, among other places, Plano, Texas. It may be served with process through its Chief Executive Officer:

Anthony P. Crupi, Chief Executive Officer
Pitman Company
721 Union Boulevard
Totowa, New Jersey 07512

9. The transfers allowed the Defendant to receive more than it would have if the case had been filed under Chapter 7 of Title 11 and had such transfer not been made.

PRAYER

THEREFORE, Plaintiff prays that Defendant be cited to appear and answer, and that on final trial of this case, Plaintiff have judgment against Defendant for:

- i. avoidance of the described Payments.
- ii. interest after judgment at the highest rate allowable by law, until paid;
- iii. cost of suit; and
- vi. such other relief to which Plaintiff may show herself to be justly entitled, at law or in equity, under the circumstances.

MARK IAN AGEE, ATTORNEY AT LAW

By: /s/ Mark I. Agee
Mark I. Agee, # 00931900

5401 N. Central Expressway, Suite 220
Dallas, Texas 75205
(214) 320-0079; (214) 320-2966 FAX
DallasBankruptcyLawyer@gmail.com

ATTORNEY FOR TRUSTEE

CERTIFICATE OF SERVICE

This is to certify that I caused a true and correct copy of this Complaint to be served via first class mail on the individuals listed below on Tuesday, July 13, 2010.

\\SUE-SERVER\Users\Trustee Cases\Ventura Package\Pitman Preference\Complaint - Pitman Co.wpd 7/13/10

/s/ Mark I. Agee
Mark I. Agee

Anthony P. Crupi, Chief Executive Officer Pitman Company 721 Union Boulevard Totowa, New Jersey 07512	James Sause, President Pitman Company 721 Union Boulevard Totowa, New Jersey 07512	District Manager Pitman Company 2601 Resource Drive, Suite 300 Plano, Texas 75074
----------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------



5401 North Central Expressway, Suite 220 • Dallas, Texas 75205 • Phone: 214.320.0079 • Fax: 214.320.2966 • miagee@subell.net

Friday, January 7, 2011

HMP Services Holding Sub III, LLC, et al. Claims Processing Center
c/o Epiq Bankruptcy Solutions, LLC
FDR Station, P.O. Box 5082
New York, NY 10150-5082

Re: *HMP Services Holding Sub III, LLC, et. al., Case No. 10-13618-BLS*

Dear Sir or Madam:

Please find enclosed an original and a copy of a proof of claim for Michelle Chow, Trustee of Venture Packaging, Inc. against the estate of the Pitman Company. I would appreciate your stamping some sort of acknowledgment of receipt on the enclosed copy and returning it to me in the enclosed self addressed envelope.

Please feel free to contact me if you have questions or comments.

Sincerely,

Mark I. Agee

Mark Ian Agee
Attorney at Law
5401 N. Central Expwy. Ste. 220
Dallas TX 75205

CERTIFIED MAILTM



7005 1820 0001 1697 3547

HMP Services Holding Sub III, LLC, et al
Claims Processing Center
c/o Epiq Bankruptcy Solutions, LLC
FDR Station PO Box 5082
New York NY 10150-5082

822547.17



\$5.710
US POSTAGE
FIRST-CLASS
062S0000421851
75205