

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE
 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

PROOF OF CLAIM

Name of Debtor Against Which Claim is Held: **HMP Services Holdings, Inc.**
 Case No. of Debtor: **10-13618 (consolidated)**

Filed: USBC - District of Delaware
 HMP Services Holding, Et Al.
 10-13618 (BLS) 0000000126



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 and address of Creditor: (and name and address where notices should be sent if different from Creditor)
Myron N. Terlecky, Trustee
c/o Matthew T. Schaeffer
Bailey Cavaleri LLC
10 W. Broad Street, Suite 2100
Columbus, OH 43215-3422
 Telephone number: **614-229-3289** Email Address:

Check this box to indicate that this claim amends a previously filed claim.

Court Claim Number: _____ (if known)

Filed on: _____

Name and address where payment should be sent (if different from above)
 Telephone number: _____ Email Address: _____

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.

Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$ **71,904.62**
 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.
 If all or part of your claim is entitled to priority, complete Item 5.
 If all or part of your claim qualifies as an Administrative Expense under 11 U.S.C. §503(b)(9), complete Item 6.
 Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of interest or additional charges.

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.
 Specify the priority of the claim:

2. Basis for Claim: **Preference liability**
 (See instruction #2 on reverse side.)

- Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).
- Wages, salaries or commissions (up to \$11,725), 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).
- Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5).
- Up to \$2,600 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7).
- Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
- Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(_____).

3. Last four digits of any number by which creditor identifies debtor: _____
 3a. Debtor may have scheduled account as: _____
 (See instruction #3a on reverse side.)

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.
 Nature of property or right of setoff: Real Estate Motor Vehicle Other
 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: \$ _____

Amount entitled to priority:
 \$ _____

6. Amount of Claim that qualifies as an Administrative Expense under 11 U.S.C. §503(b)(9): \$ _____
 (See instruction #6 on reverse side.)

7. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.
 8. 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. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 8 and definition of "redacted" on reverse side.)
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.
 If the documents are not available, please explain:

FOR COURT USE ONLY
 FILED / RECEIVED
 FEB 11 2011
 EPIQ BANKRUPTCY SOLUTIONS, LLC

Date: **2/10/11**
 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.
Matthew T. Schaeffer, Attorney

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re: Case No. 07-59587
Amerigraph, LLC, Chapter 7
Debtor. Judge C. Kathryn Preston

Myron N. Terlecky,
Chapter 7 Trustee for the Debtor
575 S. Third Street
Columbus, OH 43215,

Plaintiff,

v.

Adv. Pro. No.

Harold M. Pitman Company
721 Union Blvd.
Totowa, NJ 07512

Defendant.

**COMPLAINT TO AVOID AND RECOVER PREFERENTIAL TRANSFERS AND TO
OBTAIN OTHER RELIEF**

The Plaintiff, Myron N. Terlecky, Trustee of Amerigraph LLC (the "Trustee" or "Plaintiff"), for his complaint against Harold M. Pitman Company ("Defendant"), states as follows:

Jurisdiction and Venue

1. This adversary proceeding (the "Adversary Proceeding") arises in and is related to the above-captioned bankruptcy case, filed with the Court on November 28, 2007, and bearing Case Number 07-59587 (the "Bankruptcy Case") which is currently pending pursuant to chapter 7 of title 11 of the United States Code, 11 U.S.C. §§ 101-1330 (the "Bankruptcy Code") in the

United States Bankruptcy Court for the Southern District of Ohio, Eastern Division, the Honorable Kathryn C. Preston presiding (the "Court").

2. The Court has subject matter jurisdiction over the Adversary Proceeding pursuant to 28 U.S.C. § 1334(b), Bankruptcy Code sections 105, 547, 549, and 550, Rule 7001(1) of the Federal Rules of Bankruptcy Procedure, and the General Order of Reference entered by the United States District Court for the Southern District of Ohio pursuant to 28 U.S.C. § 157.

3. The Adversary Proceeding is a "core proceeding" as that term is defined in 28 U.S.C. § 157(b)(2)(A), (B), (F), and (O).

4. Venue is proper pursuant to 28 U.S.C. § 1409(a) and Rule 1071-1 of the Local Rules of the United States Bankruptcy Court for the Southern District of Ohio.

5. The Court has personal jurisdiction over the Defendant pursuant to Rule 7004(f) of the Federal Rules of Bankruptcy Procedure and as a result of the Defendant's minimum contacts with the United States.

Facts Common to All Counts

6. On November 28, 2007 (the "Petition Date"), petitioning creditors filed an involuntary Chapter 11 petition in bankruptcy against Amerigraph LLC.

7. The order for relief was entered on February 1, 2008. In early 2008, the Debtor terminated its normal business operations.

8. On or about May 20, 2008, the Court entered an order converting the Bankruptcy Case to a case under Chapter 7. The Trustee was appointed on May 22, 2008.

9. Upon information and belief, the Defendant is a corporation licensed to do business in the State of Ohio.

COUNT I
**(Avoidance of Preferential Transfers
under Bankruptcy Code Section 547(b))**

10. Plaintiff restates and realleges each of the foregoing paragraphs as if fully rewritten herein.

11. The Debtor transferred funds to the Defendant (the "Preferential Transfers") including but not limited to those payments set forth in the schedule attached as Exhibit A and incorporated by reference herein. The amount of the known Preferential Transfers is \$71,904.62. The total transfers may be in excess of the known transfers listed on Exhibit A.

12. The Preferential Transfers were transfers of an interest of the Debtor in property.

13. The Preferential Transfers were made to or for the benefit of a creditor.

14. The Preferential Transfers were made for or on account of an antecedent debt owed by the Debtor before the Transfers were made (the "Debt").

15. The Preferential Transfers were made while the Debtor was insolvent.

16. The Preferential Transfers were made on or within ninety (90) days before the Petition Date.

17. The Preferential Transfers enabled the Defendant to receive more than the Defendant would receive if: (a) the Bankruptcy Case was a case under chapter 7 of the Bankruptcy Code; (b) the Transfers had not been made; and (c) the Defendant received payment of the Debt to the extent provided by the Bankruptcy Code.

18. On or about September 9, 2009, the Trustee made written demand upon Defendant to return the Preferential Transfers to the Trustee (the "Demand Letter").

19. The Defendant has failed and refused and continues to fail and refuse to return the Preferential Transfers or the value of the Preferential Transfers to the Trustee.

20. The Trustee is entitled to an order avoiding the Preferential Transfers pursuant to section 547(b) of the Bankruptcy Code, and awarding prejudgment interest, post-judgment interest, and costs.

COUNT II
**(Recovery of Preferential Transfers
under Bankruptcy Code Section 550)**

21. The Trustee restates and realleges each of the foregoing paragraphs as if fully rewritten herein.

22. The Defendant is either the initial transferee or the entity for whose benefit the Preferential Transfers were made and/or an immediate and/or mediate transferee as contemplated by section 550(a) of the Bankruptcy Code.

23. Pursuant to Bankruptcy Code section 550, the Trustee may recover for the benefit of the estate property transferred or its value to the extent a transfer is avoided under sections 547 of the Bankruptcy Code.

24. The Trustee is entitled to judgment against the Defendant awarding the property transferred or its value to the extent that this Court has avoided the Preferential Transfers pursuant to the Bankruptcy Code, plus prejudgment interest thereon from and after September 9, 2009, at the rate or rates specified under 28 U.S.C. § 1961(a), post-judgment interest at comparable rates, and costs.

COUNT III
**(Objections to Defendant's Claim(s)
Under Bankruptcy Code Section 502(d))**

25. The Trustee restates and realleges each of the foregoing paragraphs as if fully rewritten herein.

26. The Defendant is the transferee of the Preferential Transfers.

27. The Defendant is an entity from which property is recoverable by the Trustee under section 550 of the Bankruptcy Code.

28. The Defendant has or may claim to have claims against Amerigraph's bankruptcy estate.

29. The Defendant has failed and refused and continues to fail and refuse to return the Preferential Transfers or the value of the Preferential Transfers to the Trustee.

30. Pursuant to Bankruptcy Code section 502(d), any claim or claims of the Defendant shall be disallowed "unless such entity or transferee has paid the amount, or turned over any such property" to the estate.

31. The Trustee is entitled to a judgment disallowing any claim(s) of the Defendant.

WHEREFORE, the Trustee respectfully requests the Court to enter an order granting the following relief:

- (a) On Count I of the Complaint, a judgment avoiding the Preferential Transfers pursuant to section 547(b) of the Bankruptcy Code;
- (b) On Count II of the Complaint, a judgment against the Defendant recovering the Preferential Transfers or the value thereof, in the principal amount of the Preferential Transfers, together with interest thereon from and after September 9, 2009, at the rate or rates specified under 28 U.S.C. Section 1961(a), a post-judgment interest at comparable rates, and costs;
- (c) On Count III of the Complaint, the disallowance of any and all claims of the Defendant against Amerigraph's estate; and
- (d) Such other and further relief as this Court may deem just and proper.

Respectfully Submitted,

Date: November 25, 2009

/s/ Matthew T. Schaeffer

Nick V. Cavalieri (0013097)

Matthew T. Schaeffer (0066750)

Bailey Cavalieri LLC

10 West Broad Street

Columbus, OH 43215

(614) 221-3155 / Fax: (614) 221-0479

E-mail: nick.cavalieri@baileycavalieri.com

matthew.schaeffer@baileycavalieri.com

Attorneys for Myron N. Terlecky, Trustee

EXHIBIT A

<u>Check Date</u>	<u>Check No.</u>	<u>Date Check Cleared</u>	<u>Amount</u>
<u>09/04/2007</u>	<u>8671</u>	<u>09/10/2007</u>	<u>\$50,000.00</u>
<u>10/03/2007</u>	<u>8892</u>	<u>10/09/2007</u>	<u>\$11,375.88</u>
<u>10/09/2007</u>	<u>8939</u>	<u>10/15/2007</u>	<u>\$5,445.90</u>
<u>10/18/2007</u>	<u>9021</u>	<u>10/25/2007</u>	<u>\$5,082.84</u>
Total			\$71,904.62

BAILEY CAVALIERI LLC

ATTORNEYS AT LAW

One Columbus 10 West Broad Street, Suite 2100 Columbus, Ohio 43215-3422
telephone 614.221.3155 facsimile 614.221.0479
www.baileycavalieri.com

direct dial: 614.229.3289
email: Matthew.Schaeffer@BaileyCavalieri.com

February 10, 2011

VIA FEDERAL EXPRESS

HMP Services Holding Sub III, LLC, et al.
Claims Processing Center
c/o EPIQ Bankruptcy Solutions, LLC
757 Third Avenue, 3rd Floor
New York, NY 10017

Re: HMP Services Holdings, Inc.
Case No. 10-13618 (Consolidated)

Dear Sir or Madam:

Enclosed are an original and a copy of a Proof of Claim for filing in the above-referenced matter. Also enclosed is a self-addressed, stamped envelope for your convenience in providing our office with a file-stamped copy of this document.

Thank you for your assistance. Please let me know if you have any questions or concerns.

Very truly yours,

BAILEY CAVALIERI LLC



Matthew T. Schaeffer

MTS/dcm
Enclosures

From: (614) 229-3289
Matthew T. Schaeffer
BAILEY CAVALIERI LLC
10 W. BROAD STREET
SUITE 2100
COLUMBUS, OH 43215

Origin ID: GQQA



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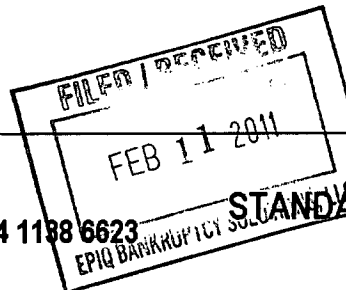
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c/o EPIQ Bankruptcy Solutions LLC
757 3RD AVE FL 3

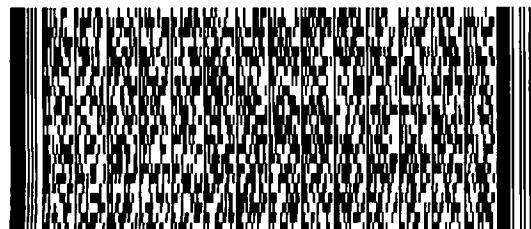
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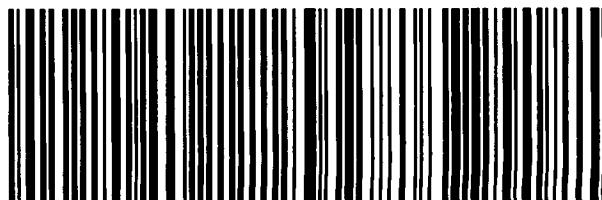
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