Fill in this information to identify the case:

Debtor 1 KLS Acquisition Corp.

Debtor 2 (Spouse, if filing)

United States Bankruptcy Court for the: Northern District of Illinois

Case number 18-30052

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
DEC 17 2018
JEFFREY P. ALLSTEADT, CLERK
TEAM - CA

Official Form 410

Proof of Claim

04/16

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?**
   Thomas P. Gessner
   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?
   Name: Thomas P. Gessner
   Number Street: 15955 Burleigh Pl
   City State ZIP Code: Brookfield WI 53005
   Contact phone: 414-322-3138
   Contact email: 9777truth@hotmail.com

   Where should payments to the creditor be sent? (if different)
   Name
   Number Street
   City State ZIP Code
   Contact phone
   Contact email

   Uniform claim identifier for electronic payments in chapter 13 (if you use one):

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: ___ ___ ___ ___

7. **How much is the claim?** $ 3,346.15 . **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).

   (15 days) 3 weeks of vacation pay due upon termination.

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.

   Vacation Accruals earned, but unpaid.

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.)

   *

   We were told in writing by HR Manager Michael Earl that vacation time would be paid out upon termination.

   Value of property: $ 3,346.15

   Amount of the claim that is secured: $ _____

   Amount of the claim that is unsecured: $ 3,346.15 (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.** $ _____

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)?**

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

- ☐ No
- ☑ Yes. *Check one:*

	Amount entitled to priority
☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	$
☐ Up to $2,850* 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 $12,850*) 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).	$ 3,346.15
☐ 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.	$

* Amounts are subject to adjustment on 4/01/19 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 12 09 2018
MM / DD / YYYY

Signature

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

Name: Thomas (First name) Paul (Middle name) Gessner (Last name)

Title: Assistant Store Manager (Employee)

Company: KLS Acquisition Corp.
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address: 15955 (Number) Burleigh Pl. (Street)
Brookfield (City) WI (State) 53005 (ZIP Code)

Contact phone: 414-322-3138 Email: 9777truth@hotmail.com

Vacation Balance

Store: 21

Name: Gessner, Thomas

FT Employment Date: 10/22/2007

As you can imagine, I've been inundated with similar requests and I'm trying my best to explain it as I've been instructed. Hopefully this will clarify the insane way we will have to calculate this for each person:

Vacation Accruals. Despite the way the policy is written, Illinois law says we are accruing time. therefore:

- During your 1st year of employment you are accruing 0.09615 days of vacation per week. (5 days per year)
- During years 2-5 you are accruing 0.19231 days of vacation per week (10 days per year)
- During year 6 and on you are accruing 0.28846 days of vacation per week (15 days per year)

Bankruptcy law allows us to payout on your last check any time you accrued in the 180 days before we filed less any time you used during that 180 days (04/28/2018 to 10/25/2018). I apologize for the formats of the accruals and rounding issues, but this should give you a good idea of how your vacation payout is being calculated to comply with the bankruptcy orders.

Between 04/28/2018 and 10/25/2018 you:
Accrued **0.28846** vacation days per week for **25** weeks or **72.125** hours of vacation
Accrued **0.28846** vacation days per week for **0** week or **0** hours of vacation
Totaling **72.125** hours of vacation accrued over the 180 days prior to filing bankruptcy

Between 04/28/2018 and 10/25/2018 you used **120** hours of vacation.

72.125 vacation hours accrued – **120** vacation hours used = **0** vacation hours available for payout on your last paycheck. *(If you used more than you accrued you are not eligible for cash payout of vacation time on our last check but it does mean you will need to file a bankruptcy claim for all your accrued vacation time)*

From 10/25/2018 to present (11/16/2018) you are:
Accruing **0.28846** days of vacation per week for **0** weeks or **0** hours of vacation
Accruing **0.28846** days of vacation per week for **0** weeks or **8.6504** hours of vacation
Totaling **8.6504** hours of vacation since 10/25/2018

If you were to leave today your final paycheck would include **0** vacation hours plus **8.6504** vacation hours or **8.65** total vacation hours plus vacation hours guaranteed in an offer letter for a grand total of **8.65** vacation hours.

You are entitled to file a bankruptcy claim for any time accrued that we are not allowed to payout as described above. HR will provide a record to each employee after termination that shows how much you accrued that was not paid out so you can complete a claim in the bankruptcy.

HOBO HOME OWNERS BARGAIN OUTLET

7:51 AM (CDT) ACCRUALS HISTORY

Back Home My Employees Accruals Balances **Accruals History**

Employee: Thomas P. Gessner (KLS Acquisitions Corp) (30) Vacation

Days of Vacation; Accrual available on 10/22/18.

Rows On Page 15 Showing: 1-15 of 40 Page 1 Of 3 Refresh Data Full Screen [Default] Settings

	Added	Transaction Type	Range	Days Authorized	Days Taken	Updated To Date	Comn
	=	=		=	=	=	=
	10/22/2018 03:05a	Automatic Accruals Execution	10/22/2018 - 10/22/2019	15.00	-	10/22/2019	
	10/22/2018 03:05a	Carry Over Rule	10/22/2018	-	-	10/22/2018	
	10/22/2018 03:05a	Carry Over Rule Prev Year Adjustment	10/22/2018	-	-	10/22/2018	
	10/11/2018 03:46p	Time Entry	10/16/2018	-	1.00		
		Time Entry					

Accrual awarded 10/22/18

Accruals History Report

Employee: Thomas P. Gessner
Time Off: Vacation

Added	Transaction Type	Range	Days Authorized	Days Taken	Updated To Date	Comment	Created By	Created By Employee Id
10/22/2018 03:05a	Automatic Accruals Execution	10/22/2018 - 10/22/2019	15.00	-	10/22/2019		System Administrator	
10/22/2018 03:05a	Carry Over Rule	10/22/2018	-	-	10/22/2018		System Administrator	
10/22/2018 03:05a	Carry Over Rule Prev Year Adjustment	10/22/2018	-	-	10/22/2018		System Administrator	
10/11/2018 03:46p	Time Entry	10/16/2018	-	1.00			Melina M. Krstic	3050
10/11/2018 03:45p	Time Entry (Deleted)	10/22/2018	-	-1.00			Melina M. Krstic	3050
10/10/2018 05:51p	Time Entry	10/22/2018	-	1.00			Melina M. Krstic	3050
10/10/2018 05:51p	Time Entry	10/19/2018	-	1.00			Melina M. Krstic	3050
10/10/2018 05:51p	Time Entry	10/18/2018	-	1.00			Melina M. Krstic	3050
07/03/2018 02:31p	Time Entry (Deleted)	07/20/2018	-	-1.00			Thomas P. Gessner	30
07/03/2018 02:31p	Time Entry (Deleted)	07/19/2018	-	-1.00			Thomas P. Gessner	30
07/03/2018 02:31p	Time Entry (Deleted)	07/17/2018	-	-1.00			Thomas P. Gessner	30
02/12/2018 03:36p	Time Entry	09/14/2018	-	1.00			Thomas P. Gessner	30
02/12/2018 03:36p	Time Entry	09/13/2018	-	1.00			Thomas P. Gessner	30
02/12/2018 03:36p	Time Entry	09/11/2018	-	1.00			Thomas P. Gessner	30
02/12/2018 03:36p	Time Entry	08/17/2018	-	1.00			Thomas P. Gessner	30
02/12/2018 03:36p	Time Entry	08/16/2018	-	1.00			Thomas P. Gessner	30
02/12/2018 03:36p	Time Entry	08/14/2018	-	1.00			Thomas P. Gessner	30
02/12/2018 03:36p	Time Entry	07/20/2018	-	1.00			Thomas P. Gessner	30
02/12/2018 03:36p	Time Entry	07/19/2018	-	1.00			Thomas P. Gessner	30
02/12/2018 03:36p	Time Entry	07/17/2018	-	1.00			Thomas P. Gessner	30
02/12/2018 03:36p	Time Entry	05/25/2018	-	1.00			Thomas P. Gessner	30
02/12/2018 03:36p	Time Entry	05/24/2018	-	1.00			Thomas P. Gessner	30
02/12/2018 03:36p	Time Entry	05/22/2018	-	1.00			Thomas P. Gessner	30
02/12/2018 03:36p	Time Entry	04/13/2018	-	1.00			Thomas P. Gessner	30
02/12/2018 03:36p	Time Entry	04/12/2018	-	1.00			Thomas P. Gessner	30
02/12/2018 03:36p	Time Entry	04/10/2018	-	1.00			Thomas P. Gessner	30
10/22/2017 03:06a	Automatic Accruals Execution	10/22/2017 - 10/22/2018	15.00	-	10/22/2018		System Administrator	
10/22/2017 03:06a	Carry Over Rule	10/22/2017	-	-	10/22/2017		System Administrator	
10/22/2017 03:06a	Carry Over Rule Prev Year Adjustment	10/22/2017	-	-	10/22/2017		System Administrator	
10/11/2017 01:09p	Manual Information Modification	10/21/2017	-	-	10/22/2017	Correct Updated To Date	System Administrator	
10/11/2017 12:43p	Manual Information Modification	08/12/2017	-	-	08/13/2017	Correct Updated to Date	System Administrator	
10/06/2017 08:59a	Initial Import Adjustment	08/13/2017	6.00	-	04/10/2018		System Administrator	
09/07/2017 02:56p	Time Entry	09/15/2017	-	1.00			Kenisha A. Terrell	2805
09/07/2017 02:56p	Time Entry (Deleted)	09/11/2017	-	-1.00			Kenisha A. Terrell	2805
08/22/2017 09:44a	Time Entry	09/29/2017	-	1.00			System Administrator	
08/22/2017 09:41a	Time Entry	09/14/2017	-	1.00			System Administrator	
08/22/2017 09:41a	Time Entry	09/12/2017	-	1.00			System Administrator	
08/22/2017 09:41a	Time Entry	09/11/2017	-	1.00			System Administrator	
08/18/2017 03:27p	Time Entry	07/20/2017	-	1.00			System Administrator	

From: Gessner, Tom
Sent: Saturday, November 3, 2018 11:33 AM
To: 'g777truth@hotmail.com'
Subject: FW: ACTION REQUIRED - Updates to wage motion
Importance: High

From: Hulbert, Harry
Sent: Saturday, November 3, 2018 9:44 AM
To: Gessner, Tom <tgessner@hoboonline.com>
Subject: FW: ACTION REQUIRED - Updates to wage motion
Importance: High

Here is what I know about vacation.

From: Earl, Mike
Sent: Friday, November 2, 2018 4:49 PM
To: Store Managers <StoreManagers@hoboonline.com>; Stores - HR Coordinator <StoresHR@hoboonline.com>
Cc: Jurewicz, Jerry <jjurewicz@hoboonline.com>; Cwik, Julie <jcwik@hoboonline.com>
Subject: ACTION REQUIRED - Updates to wage motion
Importance: High

Hi Store Managers and HR Coordinators,

Our Attorney's filed a motion in court yesterday seeking permission to pay wages including paid time off, commissions, etc. They were successful in their motion. Therefore:

- We are allowed to let employees use paid time off including sick, vacation (SEE NOTE BELOW), holiday, bereavement, etc. according to the written policy.
- We are allowed to payout unused vacation time upon termination according to the written policy. (SEE NOTE BELOW)
- We are allowed to pay employees for any time form a prior pay period that was inadvertently missed from that pay period
- We are allowed to pay Designers commissions earned on the invoicing of kitchen in October (up through October 26th) on the standard payroll cycle. (From October 27 and on they are going to receive commissions from the Liquidators based on a program that was communicated out to the earlier today.)

Example: if your anniversary date is July 7 and you were awarded 10 days on July 7, and since July 7th you used 5 days, then you only have 5 days available to use or get paid out. Any amount you had in your record from a prior year is ineligible to be paid out.

NOTE UNDER NO CIRCUMSTANCE IS ANYONE OTHER THAN ME OR JULIE CWIK ALLOWED TO APPROVE VACATION TIME OFF IN THE SYSTEM BECAUSE THE SYSTEM BALANCE INCLUDES CARRY OVER AND IT WOULD BE A VIOLATION OF FEDERAL LAW TO APPROVE ANY VACATION TIME THAT WOULD BE CONSIDERED CARRYOVER. DO NOT UNDER ANY CIRCUMSTANCE APPROVE VACATION PAY! I'M TRYING TO GET PAYSERV TO CHANGE THE SYSTEM SO NONE OF YOU GET THE EMAILS OR HAVE THE ABILITY TO APPROVE VACATION TIME SO NO ONE INADVERTENTLY APPROVES TIME THAT WE ARE NOT ALLOWED TO GIVE.

Michael J Earl, SPHR, SHRM-SCP
Director of Human Resources
Home Owners Bargain Outlet
HOBO
HOME OWNERS BARGAIN OUTLET
2650 Belvidere Road
Waukegan, IL 60085
PH: 847-263-1240 ext 12
FX: 847-263-9170

Northern District of Illinois
Claims Register

18-30052 KLS Acquisition Corp.

Honorable Judge: Jacqueline P. Cox **Chapter:** 11

Office: Eastern Division **Last Date to file claims:**

Trustee: **Last Date to file (Govt):**

Creditor: (27380658)
Thomas P . Gessner
15955 Burlergk PL
Brookfield WI 53005

Claim No: 28
Original Filed Date: 12/17/2018
Original Entered Date: 12/17/2018

Status:
Filed by: CR
Entered by: Kevin Lyons
Modified:

Amount claimed: $3346.15
Secured claimed: $3346.15

History:
Details 28-1 12/17/2018 Claim #28 filed by Thomas P . Gessner, Amount claimed: $3346.15 (Lyons, Kevin)

Description:

Remarks:

Claims Register Summary

Case Name: KLS Acquisition Corp.
Case Number: 18-30052
Chapter: 11
Date Filed: 10/25/2018
Total Number Of Claims: 1

Total Amount Claimed*	$3346.15
Total Amount Allowed*	

*Includes general unsecured claims

The values are reflective of the data entered. Always refer to claim documents for actual amounts.

	Claimed	Allowed
Secured	$3346.15	
Priority		
Administrative		