Fill in this information to identify the case:

Debtor 1 EP RETAIL ASSOCIATES LLC

Debtor 2 (Spouse, if filing)

United States Bankruptcy Court for the: NORTHERN District of IL

Case number 18-30046

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
FEB 15 2019
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?**
   GARY SOBIEK
   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)
GARY SOBIEK Name	Name
5104 W BYRON ST Number Street	Number Street
CHICO IL 60641 City State ZIP Code	City State ZIP Code
Contact phone 773-725 4590	Contact phone
Contact email GSOBIEK@ATT.NET	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) #60 Filed on 1 24 2019 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?** $ 58974. **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.
   WAGES / VACATION / SICK
   ATTACHMENT "A"

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.** $_____

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.

	Amount entitled to priority
☐ 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 $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).	$ 589074
☐ 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 2 11 2019
MM / DD / YYYY

Gary Sobiek
Signature

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

Name: GARY (First name) ROBERT (Middle name) SOBIEK (Last name)

Title: ASST MANAGER

Company: HOBO (HOME OWNERS BARGAIN OUTLET

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

Address: 5104 W BYRON ST. (Number Street)

CHICAGO (City) IL (State) 60641 (ZIP Code)

Contact phone: 773-725-4590 Email: GSOBIEK@ATT.NET

ATTACHED A

CASE # 18-30046

11:10 AM (Central) REQUEST TIME OFF

Back Home My Account My Time Off Request Request Time Off

Submit Request View History

Time Off

Time Off: Vacation

REQUEST TYPE

Full Day
- Date

Partial Day (Start/Stop)
- Date From To Total

Partial Day (Bulk)
- Date Total Hours Auto Populate Day Auto Populate 1/2 Day

Multiple Days
- From To Total Hours Per Day

COMMENTS

Balances

TIME OFF	ACCRUED TO		CURRENT ACCRUED	TAKEN	CURRENT BALANCE	SCH	PENDING APPROVAL
Sick	04/21/2019	Days:	14.00	2.00	12.00	0.00	0.00
Vacation	04/21/2019	Days:	21.20	14.00	7.20	0.00	0.00

← WAS PAID FOR 1 10HR ON LAST CHECK BALANCE STILL IS 7.20 (62HRS)

Approvers

Julie A. Cwik
Michael J. Earl
Michael J. Earl
Michael J. Earl
Julie A. Cwik

120HRS SICK = $2838.00

62HRS VAC = $1466.30

$4304.30

Recent Requests

Rows On Page 100 No Rows

Accruals History Report

Employee: Gary R. Sobiek
Time Off: Vacation

Added	Transaction Type	Range	Days Authorized	Days Taken	Updated To Date	Comment	Created By	Created By Employee Id
09/28/2018 03:46p	Time Entry	10/07/2018	-	1.00			Freddie L. DeRamus	110
09/28/2018 03:46p	Time Entry	10/05/2018	-	1.00			Freddie L. DeRamus	110
08/18/2018 11:24a	Time Entry	08/27/2018	-	1.00			Freddie L. DeRamus	110
08/18/2018 11:24a	Time Entry	08/26/2018	-	1.00			Freddie L. DeRamus	110
08/18/2018 11:24a	Time Entry	08/24/2018	-	1.00			Freddie L. DeRamus	110
07/09/2018 12:07p	Time Entry	07/29/2018	-	1.00			Freddie L. DeRamus	110
07/09/2018 12:05p	Time Entry	07/30/2018	-	1.00			Freddie L. DeRamus	110
07/09/2018 11:56a	Time Entry	07/27/2018	-	1.00			Freddie L. DeRamus	110
07/09/2018 11:54a	Time Entry	07/26/2018	-	1.00			Freddie L. DeRamus	110
05/23/2018 03:17p	Time Entry	06/14/2018	-	1.00			Freddie L. DeRamus	110
05/17/2018 04:56p	Time Entry	07/16/2018	-	1.00			Freddie L. DeRamus	110
05/17/2018 04:55p	Time Entry	07/15/2018	-	1.00			Freddie L. DeRamus	110
05/17/2018 04:54p	Time Entry	07/13/2018	-	1.00			Freddie L. DeRamus	110
05/10/2018 02:59p	Time Entry	05/21/2018	-	1.00			Freddie L. DeRamus	110
04/21/2018 03:03a	Automatic Accruals Execution	04/21/2018 - 04/21/2019	15.00	-	04/21/2019		System Administrator	
04/21/2018 03:03a	Carry Over Rule	04/21/2018	6.20	-	04/21/2018		System Administrator	
04/21/2018 03:03a	Carry Over Rule Prev Year Adjustment	04/21/2018	-6.20	-	04/21/2018		System Administrator	
03/12/2018 10:37a	Time Entry	03/30/2018		1.00			Freddie L. DeRamus	110
03/12/2018 10:36a	Time Entry	03/29/2018	-	1.00			Freddie L. DeRamus	110
03/12/2018 10:36a	Time Entry	03/28/2018	-	1.00			Freddie L. DeRamus	110
03/12/2018 10:33a	Time Entry	03/26/2018	-	1.00			Freddie L. DeRamus	110
03/12/2018 10:33a	Time Entry	03/25/2018	-	1.00			Freddie L. DeRamus	110
11/20/2017 11:30a	Time Entry	12/22/2017	-	1.00			Freddie L. DeRamus	110
11/20/2017 11:30a	Time Entry	12/24/2017	-	1.00			Freddie L. DeRamus	110
11/20/2017 11:29a	Time Entry	12/27/2017	-	1.00			Freddie L. DeRamus	110
10/11/2017 01:08p	Manual Information Modification	04/20/2018	-	-	04/21/2018	Correct Updated To Date	System Administrator	
10/11/2017 01:07p	Manual Information Modification	04/20/2017	-	-	04/21/2017	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	
10/07/2017 03:39p	Time Entry	10/22/2017	-	1.00			Freddie L. DeRamus	110
10/06/2017 08:59a	Initial Import Adjustment	08/13/2017	15.20	-	11/14/2017		System Administrator	
Report Total								
			30.20	23.00				

6.2 HRS WAS TAKEN AWAY @ 1466 30
WAS TOLD NOT TO TAKE BECAUSE OF
OPENING FP RETAIL ASS. (NEW STORE)
THIS WAS TOLD TO ALL OF FP ASSOCIATES

Sorted By: Added Descending

Bradenton

PayServ Systems.com

Generated: 12/20/2018 02:48p
Generated By: Michael J. Earl
Page 1 of 1

Case 18-30046 Claim 60-2 Filed 02/15/19 Desc Main Document Page 5 of 8

Vacation Balance

Store: 22

Name: Sobiek, Gary

FT Employment Date: 4/21/2002

As you can imagine, I've been inundated with similar requests and I'm trying my best to explain it as I've b 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
- 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 f time you used during that 180 days (04/28/2018 to 10/25/2018). I apologize for the formats of the accr rounding issues, but this should give you a good idea of how your vacation payout is being calculated to bankruptcy orders.

Between 04/28/2018 and 10/25/2018 you:
Accrued **0.28846** vacation days per week for **0** weeks or **0** hours of vacation
Accrued **0.28846** vacation days per week for **26** week or **75** hours of vacation
Totaling **75** hours of vacation accrued over the 180 days prior to filing bankruptcy

Between 04/28/2018 and 10/25/2018 you used **140** hours of vacation.

75 vacation hours accrued – **140** vacation hours used = **0** vacation hours available for payout on your *you used more than you accrued you are not eligible for cash payout of vacation time on our last che 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 **8.65004** hours of vacation
Totaling **8.65004** hours of vacation since 10/25/2018

f you were to leave today your final paycheck would include **0** vacation hours plus **8.65004** vac acation hours plus vacation hours guaranteed in an offer letter for a grand total of **8.65** vacat

ou are entitled to file a bankruptcy claim for any time accrued that we are not allowed to pa R will provide a record to each employee after termination that shows how much you accru u can complete a claim in the bankruptcy.

United States Bankruptcy Court
Northern District of Illinois

Jeffrey P. Allsteadt, Clerk of Court

Date: 02/07/2019

Gary Sobiek
5104 W Bryon St
Chicago, IL 60641

Letter to Filer:

Case Number, *if applicable*: 18-30046

Case Name, *if applicable*: FP Retail Associates LLC

RETURN CHECK /MONEY ORDER/CASHIER'S CHECK

- ☐ Unsigned
- ☐ Debtor(s) or Company check unacceptable
- ☐ No fee is required
- ☑ **OTHER: Please refer to last page – ADDITIONAL INFORMATION section.**

NEW BANKRUPTCY CASE

We were unable to process your case because the following documents are missing and required at case opening:

- ☐ Voluntary Petition (Official Form 101 or 201)
- ☐ No form of payment (one of the following is required)
  - Full Filing Fee
  - Application/Order for Individuals to Pay the Filing Fee in Installments (Official Form 103A)
  - Application/Order to Have the Chapter 7 Filing Fee Waived (Official Form 103B)
- ☐ **OTHER: Please refer to last page – ADDITIONAL INFORMATION section.**

CORRECTION(S) REQUIRED

- ☐ Alias Summons:
- ☐ Amended Adversary Complaint:
- ☐ Adversary Proceeding Coversheet:
- ☐ Amended Petition to Correct:

☐ Motion to Redact and Proposed Order[1]

☐ **OTHER: Please refer to ADDITIONAL INFORMATION section below.**

DEFICIENCY – Please make all necessary corrections to the document(s) listed below:

☐ Amended Schedule/List of Creditors is deficient for payment. Please submit payment.

☐ Motion is deficient for payment. Please submit payment.

☐ Notice of Motion – please complete and submit.

☐ Proposed Order – please complete and submit.

☐ **OTHER: Please refer to ADDITIONAL INFORMATION section below.**

INFORMATION

☐ **CREDIT BUREAU** – The bankruptcy court does NOT perform any activities with the credit bureaus. You must contact the individual credit bureaus for their procedure for removing your bankruptcy filing from their credit report.

☐ No record of the case name or number exists in our court; therefore we cannot process your request and we're returning the enclosed documents to you.

☐ Case name/number is missing. Please provide the case name/number.

☐ There are several debtors listed. Please provide the correct case number.

ADDITIONAL INFORMATION:

Correct the second page of your claim #60 (priority section should be one dollar amount.)

Make sure to mark your claim as Amended.

[1] A motion to redact personal information prohibited under Fed.R. Bankr. P. 9037(A) should be filed without notice of motion and without serving other parties. The motion must be accompanied by a redacted version of the filed document and a proposed order requiring the clerk to substitute the redacted document for the un-redacted document. A proposed order can be found on the courts website http://www.ilnb.uscourts.gov under Forms/Local Bankruptcy Forms titled Order to Redact. We are attaching a sample of the order.

IF APPLICABLE

Include the name of the debtor/joint debtor, the case number, the signature of the debtor/joint debtor on all required documents.

Include the signature of the attorney representing the debtor/joint debtor.

FORM OF PAYMENT REQUIREMENT – Cashier's check or money order payable to **Clerk, U. S. Bankruptcy Court**.

Mail the required document(s) or payment listed above, including this Letter to my attention at:

Deputy Clerk Marilynn Camacho

Contact Number 312-697-7428

Northern District of Illinois
Claims Register

18-30046 FP Retail Associates LLC

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

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

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

Creditor: (27512985)
GARY SOBIEK
5104 W. BYRON ST.
CHICAGO, IL 60641

Claim No: 60
Original Filed Date: 02/06/2019
Original Entered Date: 02/06/2019
Last Amendment Filed: 02/15/2019
Last Amendment Entered: 02/15/2019

Status:
Filed by: CR
Entered by: Kimetha Collier
Modified: 02/07/2019

Amount claimed: $5890.74

Priority claimed: $5890.74

History:

Details	60-1	02/06/2019	Claim #60 filed by GARY SOBIEK, Amount claimed: (Collier, Kimetha)
Details	60-2	02/15/2019	Amended Claim #60 filed by GARY SOBIEK, Amount claimed: $5890.74 (Collier, Kimetha)

Description:

Remarks: (60-1) 2/7/2019.....Incorrect PDF, Filer Notified to File an Amended Claim (mc)
(60-2) 2/7/2019.....Incorrect PDF, Filer Notified to File an Amended Claim (mc)

Claims Register Summary

Case Name: FP Retail Associates LLC
Case Number: 18-30046
Chapter: 11
Date Filed: 10/25/2018
Total Number Of Claims: 1

Total Amount Claimed*	$5890.74
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		
Priority	$5890.74	
Administrative		

Fill in this information to identify the case:

Debtor 1 FP Retail Associates LLC

Debtor 2 (Spouse, if filing)

United States Bankruptcy Court for the: Northern District of Illinois - Eastern Div

Case number 18-30046

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
FEB 06 2019
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?**

   GARY SOBIEK
   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?

   GARY SOBIEK
   Name

   5104 W BYRON ST
   Number Street

   CHICAGO IL 60641
   City State ZIP Code

   Contact phone 773 725 4590

   Contact email GSOBIEK@ATT.NET

   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?** $_____. **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.
   _____

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.** $_____

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). SEE ATTACHED A.	$ 1586.44 + 4304.30
☐ 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 1 23 2019
MM / DD / YYYY

FILED OUT TO THE BEST OF MY RABILITY

Gary Sobiek
Signature

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

Name: GARY (First name) R (Middle name) SOBIEK (Last name)

Title: ASST MANAGER

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

Address: 5104 W BYRON ST
Number Street

CHICAGO (City) IL (State) 60641 (ZIP Code)

Contact phone: 773-725 4590 CELL 773-203.4471 Email: GSOBIEK@ATT.NET

GARY SOBIEK
CASE # 18-30046

HOBO 2:50 PM (Central) MY PAY STATEMENTS

Pay Statement Preview: FP Retail Associates LLC Regular 12/21/2018

1 Hide All

This pay statement has been finalized.

#301 - Gary R. Soblek
22

Voucher # (32639)

Pay Date: 12/21/2018
Pay Period: 12/02/2018-12/15/2018

Earnings

	Rate	Hours	YTD	Current	YTD
BON				2,419.39	2,419.39
HOL			38:00		888.07
SAL	23.65	120:00	2322:00	2,838.46	54,288.78
SICK			40:00		938.46
VAC			220:00		5,126.91
VACI	23.65	22:15	22:15	526.30	526.30
Gross Pay				**5,784.15**	**64,187.91**

Deductions

	Current	YTD	
401k	289.21	3,209.48	1
DENTAL125	65.07	1,643.42	2
LTD	39.38	787.16	
MED125	331.75	7,022.36	2
VISION125	8.25	214.50	2
Total	**733.66**	**12,876.92**	

Taxes Withheld

	Taxable	Taxable YTD	Current	YTD
FIT	5,089.87	52,098.15	709.69	4,728.91
FICA	5,379.08	55,307.63	333.50	3,429.07
MEDI	5,379.08	55,307.63	78.00	801.96
SIT:IL	5,089.87	52,098.15	251.95	2,578.90
Total			**1,373.14**	**11,538.84**

Company Paid Benefits 3

	Current	YTD
MED125	463.31	11,465.48
FUTA		42.00
FICA	333.50	3,429.07
MEDI	78.00	801.96
SUTA:IL		417.96
Total	**874.81**	**16,156.47**

Tax Allowance Settings

Federal: Married/0
Illinois: Allowances: 0
Additional Allowances: 0

LAST PAY CHECK
22.15 VAC HOURS PAID

Pay Statement and Vacation Accrual

CASE # 18300046

GARY SOBIEK

From: Earl, Mike (mearl@hoboonline.com)

To: gsobiek@att.net

Date: Monday, December 24, 2018, 1:03 PM CST

Attached is your last pay Statement and your vacation accrual report.

On your last pay check you would have received:

1. Vacation Time accrued in the 180 days prior to filing bankruptcy (10/25/2018) less time used during that same 180 days.
2. Vacation Time accrued since 10/25/2018 through to your termination date.

You can file a claim in the bankruptcy for any time you accrued that was not included in your final payout. Please be aware that the attached Vac Accrual Report only shows vacation time accrued through to your last anniversary date as well as vacation time taken through to your last day worked. This does not show time accrued from your last anniversary date through to your last day of employment which you will need to manually calculate.

VACATION TIME ACCRUED since your last anniversary date

count the number of full weeks worked since your last anniversary date (For example: 7 weeks and 3 days that will round down to 7 weeks. 7 weeks and 4 days will round up to 8 weeks)

Multiply that by

0.069615 days per week if this is your first year of FULL TIME employment

0.19231 days per week if this is your 2nd through 5th year of FULL TIME employment

0.28846 days per week if this is your 6th or greater year of FULL TIME employment

1. From the attached accrual report: Days Authorized – Days Taken = Balance accrued through your last anniversary date
2. Add the VACATION TIME ACCRUED since your last anniversary date Calculated above
3. Multiply the total by your standard daily hours
   a. 8 hours per day for hourly, warehouse or corporate staff.
   b. 10 hours per day for salaried STORE management.
4. Multiple that by your hourly rate (you can find that in PayServ:
   a. https://secure2.saashr.com/ta/PayServ173001.login?rnd=ZIE
5. Subtract the vacation payout on your last pay statement (attached)
6. The result is what you accrued that was not paid out.

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

Vacation Balance
Store: 22
Name: Sobiek, Gary
FT Employment Date: 4/21/2002 Case # 18 30046

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 **0** weeks or **0** hours of vacation
Accrued **0.28846** vacation days per week for **26** week or **75** hours of vacation
Totaling **75** hours of vacation accrued over the 180 days prior to filing bankruptcy

Between 04/28/2018 and 10/25/2018 you used **140** hours of vacation.

75 vacation hours accrued – **140** 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 **8.65004** hours of vacation
Totaling **8.65004** hours of vacation since 10/25/2018

If you were to leave today your final paycheck would include **0** vacation hours plus **8.65004** 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.

GARY SOBIEK

Accruals History Report

CASE # 18-30046

Employee: Gary R. Sobiek
Time Off: Vacation

Added	Transaction Type	Range	Days Authorized	Days Taken	Updated To Date	Comment	Created By	Created By Employee Id
09/28/2018 03:46p	Time Entry	10/07/2018	-	1.00			Freddie L. DeRamus	110
09/28/2018 03:46p	Time Entry	10/05/2018	-	1.00			Freddie L. DeRamus	110
08/18/2018 11:24a	Time Entry	08/27/2018	-	1.00			Freddie L. DeRamus	110
08/18/2018 11:24a	Time Entry	08/26/2018	-	1.00			Freddie L. DeRamus	110
08/18/2018 11:24a	Time Entry	08/24/2018	-	1.00			Freddie L. DeRamus	110
07/09/2018 12:07p	Time Entry	07/29/2018	-	1.00			Freddie L. DeRamus	110
07/09/2018 12:05p	Time Entry	07/30/2018	-	1.00			Freddie L. DeRamus	110
07/09/2018 11:56a	Time Entry	07/27/2018	-	1.00			Freddie L. DeRamus	110
07/09/2018 11:54a	Time Entry	07/26/2018	-	1.00			Freddie L. DeRamus	110
05/23/2018 03:17p	Time Entry	06/14/2018	-	1.00			Freddie L. DeRamus	110
05/17/2018 04:56p	Time Entry	07/16/2018	-	1.00			Freddie L. DeRamus	110
05/17/2018 04:55p	Time Entry	07/15/2018	-	1.00			Freddie L. DeRamus	110
05/17/2018 04:54p	Time Entry	07/13/2018	-	1.00			Freddie L. DeRamus	110
05/10/2018 02:59p	Time Entry	05/21/2018	-	1.00			Freddie L. DeRamus	110
04/21/2018 03:03a	Automatic Accruals Execution	04/21/2018 - 04/21/2019	15.00	-	04/21/2019		System Administrator	
04/21/2018 03:03a	Carry Over Rule	04/21/2018	6.20	-	04/21/2018		System Administrator	
04/21/2018 03:03a	Carry Over Rule Prev Year Adjustment	04/21/2018	-6.20	-	04/21/2018		System Administrator	
03/12/2018 10:37a	Time Entry	03/30/2018	-	1.00			Freddie L. DeRamus	110
03/12/2018 10:36a	Time Entry	03/29/2018	-	1.00			Freddie L. DeRamus	110
03/12/2018 10:36a	Time Entry	03/28/2018	-	1.00			Freddie L. DeRamus	110
03/12/2018 10:33a	Time Entry	03/26/2018	-	1.00			Freddie L. DeRamus	110
03/12/2018 10:33a	Time Entry	03/25/2018	-	1.00			Freddie L. DeRamus	110
11/20/2017 11:30a	Time Entry	12/22/2017	-	1.00			Freddie L. DeRamus	110
11/20/2017 11:30a	Time Entry	12/24/2017	-	1.00			Freddie L. DeRamus	110
11/20/2017 11:29a	Time Entry	12/27/2017	-	1.00			Freddie L. DeRamus	110
10/11/2017 01:08p	Manual Information Modification	04/20/2018	-	-	04/21/2018	Correct Updated To Date	System Administrator	
10/11/2017 01:07p	Manual Information Modification	04/20/2017	-	-	04/21/2017	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	
10/07/2017 03:39p	Time Entry	10/22/2017	-	1.00			Freddie L. DeRamus	110
10/06/2017 08:59a	Initial Import Adjustment	08/13/2017	15.20	-	11/14/2017		System Administrator	
Report Total								
			30.20	23.00				

VAC 62 HRS WAS TAKEN AWAY
ACCRUAL HRS STILL ON PAY SERVE (HOBO)
WAS TOLD NOT TO VAC TIME PRIOR TO OPEN NEW STORE F.P. HOBO

Sorted By: Added Descending

Bradenton

PayServ Systems.com

Generated: 12/20/2018 02:48p
Generated By: Michael J. Earl
Page 1 of 1

GARY SOBIEK CASE # 18-30046 ATTACH A

HOBO 11:08 AM (Central) REQUEST TIME OFF

Back Home My Account My Time Off Request **Request Time Off**

Submit Request View History

Time Off

Time Off: Vacation

REQUEST TYPE

Full Day
- Date

Partial Day (Start/Stop)
- Date From To Total

Partial Day (Bulk)
- Date Total Hours Auto Populate Day Auto Populate 1/2 Day

Multiple Days
- From To Total Hours Per Day

COMMENTS

Balances

TIME OFF	ACCRUED TO		CURRENT ACCRUED	TAKEN	CURRENT BALANCE	SCH	PENDING APPROVAL
Sick	04/21/2019	Days:	14.00	2.00	12.00	0.00	0.00
Vacation	04/21/2019	Days:	21.20	14.00	7.20	0.00	0.00

SICK TIME owed 120 HRS
62 HRS VAC owed
10 HRS WAS PAID OUT ON LAST CHECK

Approvers

Julie A. Cwik
Michael J. Earl
Michael J. Earl
Michael J. Earl
Julie A. Cwik

Sick 120 HRS x 23.65 = 2838.00
VAC 62 HRS x 23.65 = 1466.30
$ 4304.30

Recent Requests

Rows On Page 100 No Rows

Northern District of Illinois
Claims Register

18-30046 FP Retail Associates LLC

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

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

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

Creditor: (27512985)
GARY SOBIEK
5104 W. BYRON ST.
CHICAGO, IL 60641

Claim No: 60
Original Filed Date: 02/06/2019
Original Entered Date: 02/06/2019

Status:
Filed by: CR
Entered by: Kimetha Collier
Modified:

No amounts claimed

History:

Details 60-1 02/06/2019 Claim #60 filed by GARY SOBIEK, Amount claimed: (Collier, Kimetha)

Description:

Remarks: (60-1) Amount Unknown, will do Amend

Claims Register Summary

Case Name: FP Retail Associates LLC
Case Number: 18-30046
Chapter: 11
Date Filed: 10/25/2018
Total Number Of Claims: 1

No Amounts Claimed