

Fill in this information to identify the case:

Debtor 1 KIKO USA, Inc.

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the _____ District of Delaware

Case Number 18-10069 (MFW)

RECEIVED
FEB 23 2018
BMC GROUP

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** Name of the current creditor (the person or entity to be paid for this claim):
EklecCo NewCo LLC
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?** **Where should notices to the creditor be sent?** **Where should payments to the creditor be sent? (if different):**
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) **Menter, Rudin & Trivelpiece, P.C.**
Attn: Kevin M. Newman
308 Maltbie Street, Suite 200
Syracuse, New York 13204-1439
Telephone: (315) 474-7541
Email: knewman@menterlaw.com
Name: _____
Address: _____
Telephone: _____
Email: _____
Uniform claim identified 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? _____

<p>6. Do you have any number you use to identify the debtor?</p>	<p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: <u>22375-32488</u></p>
<p>7. How much is the claim?</p>	<p>\$118.55 plus rent and charges that accrued prior to January 11, 2018, plus indemnity obligations, amounts subject to rights of setoff and/or recoupment, plus attorneys' fees</p> <p>Does this amount include interest or other charges: <input type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).</p>
<p>8. What is the basis of the claim?</p>	<p>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.</p> <p>Pre-petition rent due and owing under lease of non-residential real property located at Palisades Center, West Nyack, New York, plus indemnity obligations, amounts subject to rights of setoff and/or recoupment, plus attorneys' fees. See attached itemization and portions of lease.</p>
<p>9. Is all or part of the claim secured?</p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. The claim is secured by a lien on property.</p> <p>Nature of property:</p> <p><input type="checkbox"/> Real Estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410A) with this Proof of claim.</p> <p><input type="checkbox"/> Motor Vehicle.</p> <p><input type="checkbox"/> Other. Describe: _____</p> <p>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.)</p> <p>Value of property: \$ _____</p> <p>Amount of the claim that is secured: \$ _____</p> <p>Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)</p> <p>Amount necessary to cure any default as of the date of the petition: \$ _____</p> <p>Annual Interest Rate (when case was filed) _____%</p> <p><input type="checkbox"/> Fixed</p> <p><input type="checkbox"/> Variable</p>
<p>10. Is this claim based on a lease?</p>	<p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____</p>
<p>11. Is this claim subject to a right of setoff?</p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Identify the property: _____</p>

12. Is all of part of the claim entitled to priority under 11 U.S.C. § 507(a)? No Yes. Check all that apply.

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

<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. §§ 507(a)(1)(A) or (a)(1)(B).	\$ _____
<input type="checkbox"/> 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).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition was filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §§ 507(a)(2) and 365(d)(3).	\$ _____

* 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 the 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 creditor for any payments received toward the debt.

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

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

Executed on date: February 21, 2018

Pyramid Management Group, LLC, as managing agent for EkleCo NewCo LLC

Signature

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

Name John D. Cico
First name Middle name Last name

Title Director

Company Pyramid Management Group, LLC, as managing agent
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address The Clinton Exchange, 4 Clinton Square
Number Street

Syracuse NY 13204
City State Zip Code

Contact phone (315) 634-7788 Email jcico@pyramidmg.com

Kiko USA, Inc
d/b/a Kiko Milano - Lease ID kiko15
Filing Date -1/11/18
EklecCo NewCo LLC

Pre-Petition Amount Due

Post-Petition Amount Due

	December & Prior	January 1-10	Total
CAM	\$0.00	\$40.69	\$40.69
Insurance	0.00	0.00	0.00
Rent	0.00	77.86	77.86
Tax	0.00	0.00	0.00
Total	\$0.00	\$118.55	\$118.55

	January 11-31		Total
	\$85.44		\$85.44
	0.00		0.00
	163.49		163.49
	0.00		0.00
	\$248.93		\$248.93

Payments
 Balance
 Accum Balance

	\$0.00		\$0.00
	\$248.93		\$248.93
	\$248.93		\$248.93

Check #	Date Posted	Amount
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**STANDARD
SHOPPING CENTER LEASE**

Name of Shopping Center: PALISADES CENTER

Location of Shopping Center: 1000 PALISADES CENTER DRIVE
WEST NYACK, NEW YORK 10994

Landlord: EKLECCO NEWCO LLC

Tenant: KIKO USA, INC.

d/b/a: KIKO MILANO

SHOPPING CENTER LEASE

AGREEMENT made this 16 day of May, 2014, by and between the following parties:

Landlord: EKLECCO NEWCO LLC

a limited liability company organized and existing under the laws of the State of Delaware with its mailing address for notices and a principal office at:

THE CLINTON EXCHANGE
FOUR CLINTON SQUARE
SYRACUSE, NEW YORK 13202-1078

Attention: MANAGEMENT DIVISION

hereinafter referred to as "Landlord," and

Tenant: KIKO USA, INC.

a corporation organized and existing under the laws of the State of Delaware with its mailing address for notices and a principal office or residence at:

230 Park Avenue 10th Floor
(Street Address)

<u>New York</u>		<u>New York</u>	<u>10169</u>
(City or Town)	(County)	(State)	(ZIP)

Attention: Chief Executive Officer, Vittorio Verdun

hereinafter referred to as "Tenant."

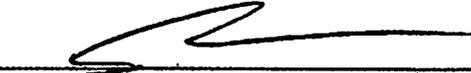
Tenant's Federal Tax Identification Number: TF-3176238.

IN WITNESS WHEREOF, the parties hereto have executed this Lease on the date first above written.

LANDLORD:

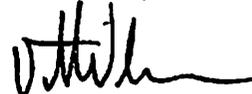
EKLECCO NEWCO LLC,
a Delaware limited liability company

By: **Pyramid Management Group, LLC,**
a New York limited liability company, its managing agent

By: 
Name: _____
Title: **TIMOTHY J. KELLEY**
PRESIDENT

TENANT:

KIKO USA, INC.,
a Delaware corporation

By: 
Name: **Victorio Verdun**
Title: _____

(Acknowledgment of LANDLORD)

State of New York

ss:

County of Onondaga

On the 16 day of May in the year 2014 before me, the undersigned, a notary public in and for said state, personally appeared TIMOTHY J. KELLEY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.


(Notary Public)

SALLY A. O'DONNELL
Notary Public, State of New York
No. 01OD4770826
Qualified in Onondaga County
Commission Expires March 30, 2018

(Acknowledgment of TENANT)

State of NEW YORK

ss:

County of NEW YORK

On the 12th day of MARCH in the year 2014 before me, the undersigned, a notary public in and for said state, personally appeared VITO RICO VERDON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.


(Notary Public)

GIULIANO IANNACCONE
Notary Public, State Of New York
No. 021A6053221
Qualified In New York County
Commission Expires January 8, 2015



Kevin M. Newman
knewman@menterlaw.com

February 22, 2018

Via FedEx

BMC Group, Inc.
Attn: KIKO USA Claims Processing
3732 West 120th Street
Hawthorne, CA 90250

**Re: KIKO USA, Inc.
Case No. 18-10069 (MFW)**

Dear Sir/Madam:

Enclosed on behalf of our client, EklecCo NewCo LLC, please find an original and one copy of the following three (3) claims in connection with the referenced bankruptcy case:

<u>Claim Type</u>	<u>Claim Amount</u>
Unsecured Non-priority	\$118.55 plus rent and charges that accrued prior to January 11, 2018, plus indemnity obligations, amounts subject to rights of setoff and/or recoupment plus attorneys' fees
Unsecured Priority	\$248.93 plus any rent and charges which accrue on or after January 11, 2018 plus indemnity obligations, amounts subject to rights of setoff and/or recoupment plus attorneys' fees
Unsecured Non-priority	\$296,843.20 plus all costs of removing property and signage and restoring the premises, plus indemnity obligations, amounts subject to rights of setoff and/or recoupment, plus attorneys' fees

Please file the originals, date and time stamp the copies, and return the copies to the undersigned in the enclosed self-addressed postage paid envelope.

Very truly yours,

MENTER, RUDIN & TRIVELPIECE, P.C.

Kevin M. Newman

KMN/aav
Enclosures

Suite 200 • 308 Maltbie Street • Syracuse, New York 13204-1439
Phone (315) 474-7541 • Fax (315) 474-4040

Suite 500 • 120 Washington Street • Watertown, New York 13601-3330
Phone (315) 786-7950 • Fax (315) 786-7852