

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 - Administrative

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: kneuman@menterlaw.com**  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Uniform claim identified for electronic payments in Chapter 13 (if you use one):  
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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? \_\_\_\_\_



6. Do you have any number you use to identify the debtor?	<input type="checkbox"/> No <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>
7. How much is the claim?	<b>\$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</b> 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).
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.  <b>Post-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.</b>
9. Is all or part of the claim secured?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property.  <b>Nature of property:</b> <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. <input type="checkbox"/> Motor Vehicle. <input type="checkbox"/> Other. Describe: _____  <b>Basis for perfection:</b> _____ 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.)  <b>Value of property:</b> \$ _____ <b>Amount of the claim that is secured:</b> \$ _____ <b>Amount of the claim that is unsecured:</b> \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)  <b>Amount necessary to cure any default as of the date of the petition:</b> \$ _____  <b>Annual Interest Rate (when case was filed) _____%</b> <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all of part of the claim entitled to priority under 11 U.S.C. § 507(a)?

- No  
 Yes. Check all that apply.

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the 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 was filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). \$ \_\_\_\_\_

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 applicable paragraph of 11 U.S.C. §§ 507(a)(2) and 365(d)(3). **\$248.93 plus rent and charges that accrue on or after January 11, 2018 plus indemnity obligations, amounts subject to rights of setoff and/or recoupment, plus attorneys' fees**

\* 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 EklecCo 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 icico@pyramidmq.com

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

<b>Pre-Petition Amount Due</b>
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<b>Post-Petition Amount Due</b>
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	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
<b>Total</b>	<b>\$0.00</b>	<b>\$118.55</b>	<b>\$118.55</b>

	January 11-31	Total
	\$85.44	\$85.44
	0.00	0.00
	163.49	163.49
	0.00	0.00
	<b>\$248.93</b>	<b>\$248.93</b>
	<b>\$0.00</b>	<b>\$0.00</b>
	<b>\$248.93</b>	<b>\$248.93</b>
	<b>\$248.93</b>	<b>\$248.93</b>

Payments  
Balance  
Accum Balance

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> (City or Town)	<u></u> (County)	<u>New York</u> (State)	<u>10169</u> (ZIP)
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Attention: Chief Executive Officer, Vittorio Verdun

hereinafter referred to as "Tenant."

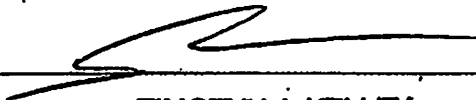
Tenant's Federal Tax Identification Number: TF-3176238.

**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. 010D4770826  
Qualified in Onondaga County  
Commission Expires March 30, 2015


(Acknowledgment of TENANT)

State of NEW YORK

ss:

County of NEW YORK

On the 12<sup>th</sup> day of MARCH in the year 2014 before me, the undersigned, a notary public in and for said state, personally appeared VITOZIO 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 IANNACCONI  
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 120<sup>th</sup> 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