

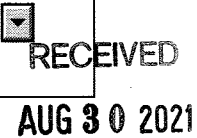
**Fill in this information to identify the case:**

Debtor 1 Limetree Bay Refining, LLC

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Southern District of Texas

Case number 21-32354

  
AUG 30 2021

Official Form 410  
**Proof of Claim**

BMC GROUP

04/19

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? Michael Sales  
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?                             | 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)                                       | <u>Lee J. Rohn, Esq.</u><br>Name                      | _____<br>Name   |
|   | <u>1108 King Street, Third Floor</u><br>Number Street | _____<br>Number Street  |
|   | <u>Christiansted VI 00820</u><br>City State ZIP Code  | _____<br>City State ZIP Code                                  |
|   | Contact phone <u>(340) 778-8855</u>                   | Contact phone _____   |
|   | Contact email <u>info@rohnlaw.com</u>                 | Contact email _____   |
| Uniform claim identifier for electronic payments in chapter 13 (if you use one):<br>----- |   |   |

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? \_\_\_\_\_

LIMETREE POC  
  
00044

**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? \$ 750,000.00. 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.  
see attached, Complaint

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)?

No

Yes. Check one:

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 \$3,025\* 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 \$13,650\*) 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). \$ \_\_\_\_\_
- 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 4/01/22 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 08/26/2021  
MM / DD / YYYY

/s/ Lee J. Rohn  
Signature

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

Name Lee J. Rohn  
First name Middle name Last name

Title Attorney

Company Lee J. Rohn & Associates, LLC  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 1108 King Street, Suite 3  
Number Street

Christiansted VI 00820  
City State ZIP Code

Contact phone (340) 778-8855 Email info@rohnlaw.com

**FILED**

July 17, 2021

SX-2021-CV-00565

TAMARA CHARLES  
CLERK OF THE COURT

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

MICHAEL SALES,

Plaintiffs,

v.

LIMETREE BAY REFINING, LLC,  
LIMETREE BAY TERMINALS, LLC and  
LIMETREE BAY VENTURES, LLC,

Defendants.

CIVIL NO. \_\_\_\_\_

**ACTION FOR DAMAGES**

JURY TRIAL DEMANDED

**COMPLAINT**

**COMES NOW** Plaintiff, **MICHAEL SALES**, by and through undersigned counsel, and files his Complaint against Defendants **LIMETREE BAY REFINING, LLC, LIMETREE BAY TERMINALS, LLC and LIMETREE BAY VENTURES, LLC**, and alleges the following:

1. This Court has jurisdiction over this matter pursuant to 4 V.I.C. § 76.
2. Plaintiff, Michael Sales, at all-time material was a resident of St. Croix, U.S. Virgin Islands. Plaintiff is a black male.
3. Defendant, Limetree Bay Ventures, LLC (Ventures LLC), is an energy complex located in St. Croix, U.S. Virgin Islands consisting of Limetree Bay Refining, LLC and Limetree Bay Terminals, LLC, a 34 million-barrel crude and petroleum product storage, and marine terminal facility, and is a Virgin Islands limited liability corporation.
4. Defendant, Limetree Bay Terminals, LLC, (Terminals LLC), is a joint venture of Arclight Capital Partners and Freepoint Commodities, LLC, and is a Virgin Islands limited liability corporation.

SALES, MICHAEL V. LIMETREE BAY REFINING, LLC, ET.AL., CIVIL NO.  
**COMPLAINT**  
Page 2

5. Defendant, Limetree Bay Refining, LLC, is a Virgin Islands limited liability corporation.
6. Plaintiff was employed by Defendants as a "Routine Maintenance Manager", beginning in April 22, 2019.
7. Plaintiff reported to Alan Yarosh.
8. In February 2021, Plaintiff went on vacation, as approved.
9. Because a winter freeze occurred, which made travel difficult, Plaintiff was approved for an additional few days of vacation.
10. While on vacation, Plaintiff injured his back and had to have medical care stateside, as he had difficulty walking.
11. Plaintiff worked remotely from February 8, 2021 until March 5, 2021.
12. Starting March 8, 2021, Plaintiff took sick time, then vacation leave, and then used comp time.
13. Plaintiff was entitled to High Intensity Work Period pay, which allowed an employee to work a minimum of sixty-hours, and get comp time for hours worked over sixty, and additional pay.
14. The work was to be calculated as four-days comp time and four-days additional pay.
15. Others who worked remotely, such as Scott Thomas, and who did not work over sixty hours, were allowed to accrue comp time during the High Intensity Work Period.
16. When Plaintiff asked to work remotely for pay, he was told it was Defendants' policy not to allow employees to work remotely from home.
17. But that was not true, as Scott Thomas worked from home during that period, did

SALES, MICHAEL V. LIMETREE BAY REFINING, LLC, ET.AL., CIVIL NO.  
**COMPLAINT**  
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not work over sixty-hours, and got five days comp time and one-day paid comp.

18. Scott Thomas is a white male.

19. As a result of discriminatory treatment, Plaintiff is owed vacation pay, comp time and one week's salary.

20. When Plaintiff returned to work from FMLA, Alan Yarosh asked Plaintiff to cover for him while Yarosh was out.

21. Even though Plaintiff was still limited in his activities from his injury, Plaintiff agreed to do so.

22. Plaintiff was required to work Good Friday, Saturday and Easter Sunday, but did not receive pay for doing so.

23. When Plaintiff took off time to go to Beeston Hill to set up therapy for his injury, he received an email from Alan Yarosh telling Plaintiff to always let him know when Plaintiff left the Plant. Other non-black employees did not have the same requirement.

24. When Plaintiff complied with that directive, he then received an email from Alan Yarosh not to notify him.

25. As a result of discriminatory treatment, Plaintiff declined to renew his contract.

26. Plaintiff is owed \$853.00 a day for unpaid vacation, sick leave and comp days.

27. By contract, Defendants was required to reimburse Plaintiff for shipping his personal affects back to the states, but Defendants have only shipped a small amount of personal items and one vehicle. Plaintiff shipped the bulk of his items earlier, and Defendants will not reimburse even though he satisfied his two-year obligation.

SALES, MICHAEL V. LIMETREE BAY REFINING, LLC, ET.AL., CIVIL NO.  
**COMPLAINT**  
Page 4

28. Plaintiff has suffered economic loss, mental anguish, suffering and loss of enjoyment of life, all of which are expected to continue into the foreseeable future.  
See Spreadsheet as to the unpaid income, **Exhibit 1**.

**COUNT I**

29. The Plaintiff sets forth paragraph 1 through 28 as if fully set forth herein.  
30. Plaintiff is entitled to back comp time, vacation, sick leave, and other payments.  
31. Defendants have breached their duty to pay the same.  
32. As a result, Plaintiff has suffered damages.

**COUNT II**

33. The Plaintiff sets forth paragraph 1 through 32 as if fully set forth herein.  
34. Plaintiff was discriminated against based on his race, color in violation of the Virgin Islands Discrimination Statutes.  
35. As a result, Plaintiff has suffered damages.

**WHEREFORE**, Plaintiff prays for damages as they may appear, compensatory and punitive, pre and post judgment interest, and for costs and fees, and for such other relief as this court deems fair and just.

LEE J. ROHN AND ASSOCIATES, LLC  
Attorneys for Plaintiff

DATED: July 17, 2021

BY: /s/ Lee J. Rohn  
Lee J. Rohn, Esq.  
VI Bar No. 52  
1108 King Street, Suite 3 (mailing)  
56 King Street, Third Floor (physical)  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
Telephone: (340) 778-8855  
lee@rohnlaw.com

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| Thursday | Friday | Saturday |   |  | Compensation Summary |                            |              | Relocation Summary      |              |  | Met Life Short Term Disability Paid to me |             |             |
|----------|--------|----------|---|--|----------------------|----------------------------|--------------|-------------------------|--------------|--|---|-------------|-------------|
|          |        |          |   |  | Date                 | Description                | Daily Pay    | Already Paid            |              |  | Date                                      | Description | Daily Pay   |
| 11       | 12     | 13       |   |  | 3/8/2021             | Sick                       | \$ 823.85    |                         |              |  | 3/22/2021                                 | No pay      | \$ 316.63   |
| 18       | 19     | 20       | WFH = Working From Home                               |  | 3/9/2021             | Sick                       | \$ 823.85    | Vehicle 1 Shipping      | \$ 3,500.00  |  | 3/23/2021                                 | No pay      | \$ 316.63   |
| 25       | 26     | 27       | Sick = Sick Leave                                     |  | 3/10/2021            | Vacation                   | \$ 823.85    | Shipping container      | \$ 11,060.00 |  | 3/24/2021                                 | No pay      | \$ 316.63   |
| 4        | 5      | 6        | Vac = Vacation  |  | 3/11/2021            | Vacation                   | \$ 823.85    | Movers                  | \$ 2,299.00  |  | 3/25/2021                                 | No pay      | \$ 316.63   |
|          |        |          | HIWP = High Intensity Work period                     |  | 3/12/2021            | Vacation                   | \$ 823.85    | Remaining items to ship |              |  | 3/26/2021                                 | No pay      | \$ 316.63   |
|          |        |          | No Pay = I was not paid during this time              |  | 3/15/2021            | Vacation                   | \$ 823.85    |                         |              |  |   |             |             |
|          |        |          | CFM - Covered for manager and April 2nd was a holiday |  | 3/16/2021            | High Intensity Work Period | \$ 823.85    | Vehicle 2 Shipping      | \$ 3,500.00  |  | Total                                     |             | \$ 1,583.15 |
| 11       | 12     | 13       |   |  | 3/17/2021            | High Intensity Work Period | \$ 823.85    |                         |              |  |   |             |             |
| Vac      | Vac    |          |   |  | 3/18/2021            | High Intensity Work Period | \$ 823.85    |                         |              |  |   |             |             |
| 18       | 19     | 20       |   |  | 3/19/2021            | High Intensity Work Period | \$ 823.85    |                         |              |  |   |             |             |
| IWP      | HIWP   |          |   |  | 3/22/2021            | No pay                     | \$ 823.85    |                         |              |  |   |             |             |
| 25       | 26     | 27       |   |  | 3/23/2021            | No pay                     | \$ 823.85    |                         |              |  |   |             |             |
| No Pay   | No Pay |          |   |  | 3/24/2021            | No pay                     | \$ 823.85    |                         |              |  |   |             |             |
| 1        | 2      | 3        |   |  | 3/25/2021            | No pay                     | \$ 823.85    |                         |              |  |   |             |             |
| CFM      | CFM    |          |   |  | 3/26/2021            | No pay                     | \$ 823.85    |                         |              |  |   |             |             |
| 8        | 9      | 10       |   |  | 4/22/2021            | No pay                     | \$ 823.85    |                         |              |  |   |             |             |
|          |        |          |   |  | 4/23/2021            | No pay                     | \$ 823.85    |                         |              |  |   |             |             |
| 15       | 16     | 17       |   |  | Total                |                            | \$ 14,005.45 | Total                   | \$ 20,359.00 |  |   |             |             |
| 22       | 23     | 24       |   |  |                      |                            |              |                         |              |  |   |             |             |
| No pay   | No Pay |          |   |  |                      |                            |              |                         |              |  |   |             |             |
| 29       | 30     |          |   |  |                      |                            |              |                         |              |  |   |             |             |

I filed a claim for ST disability  
 Claim # 292103158379  
 To cover the days I was not paid

|                        |              |                               |              |
|------------------------|--------------|-------------------------------|--------------|
| Requested compensation | \$ 34,364.45 | Not subtracting ST disability | \$ 34,364.45 |
|                        |              | Subtracting ST disability     | \$ 32,781.30 |

**EXHIBIT**  
**1**



## Southern District of Texas Claims Register

21-32354 Limetree Bay Refining, LLC Jointly Administered under 21-32351.

**Bankruptcy Judge:** David R Jones      **Chapter:** 11  
**Office:** Houston      **Last Date to file claims:**  
**Trustee:**      **Last Date to file (Govt):**

|   |   |   |
|---|---|---|
| <p><i>Creditor:</i> (11950252)<br/> Michael Sales<br/> 1108 King Street, Suite 3<br/> Christiansted, VI 00820</p> | <p><b>Claim No: 2</b><br/> <i>Original Filed</i><br/> Date: 08/26/2021<br/> <i>Original Entered</i><br/> Date: 08/26/2021</p> | <p><i>Status:</i><br/> <i>Filed by:</i> CR<br/> <i>Entered by:</i> Lee J Rohn<br/> <i>Modified:</i></p> |
|---|---|---|

Amount claimed: \$750000.00

*History:*

Details 2-1 08/26/2021 Claim #2 filed by Michael Sales, Amount claimed: \$750000.00 (Rohn, Lee)

*Description:* (2-1) Proof of Claim

*Remarks:*

### Claims Register Summary

**Case Name:** Limetree Bay Refining, LLC Jointly Administered under 21-32351.  
**Case Number:** 21-32354  
**Chapter:** 11  
**Date Filed:** 07/12/2021  
**Total Number Of Claims:** 1

|                              |             |
|------------------------------|-------------|
| <b>Total Amount Claimed*</b> | \$750000.00 |
| <b>Total Amount Allowed*</b> |             |

\*Includes general unsecured claims

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

|                       | Claimed | Allowed |
|-----------------------|---------|---------|
| <b>Secured</b>        |         |         |
| <b>Priority</b>       |         |         |
| <b>Administrative</b> |         |         |