


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 21-32351

RECEIVED

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?** Wyn Charlery
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)	Name <u>Lee J. Rohn, Esq.</u>	Name _____
	Number <u>1108</u> Street <u>King Street, Suite 3</u>	Number _____ Street _____
	City <u>Christiansted</u> State <u>VI</u> ZIP Code <u>00820</u>	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): _____	

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



00045

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)?

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:

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.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* 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

June 28, 2021

SX-2021-CV-00494

TAMARA CHARLES
CLERK OF THE COURT

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

WYN CHARLERY,

Plaintiff,

v.

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

Defendants.

CIVIL NO. _____

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Plaintiff, **WYN CHARLERY**, by and through undersigned counsel, and files her Complaint against Defendants **LIMETREE BAY TERMINALS, LLC** and **LIMETREE BAY REFINING, LLC**, and alleges the following:

1. This Court has jurisdiction over this matter pursuant to 4 V.I.C. § 76.
2. Plaintiff, Wyn Charlery, is a resident of St. Croix, U.S. Virgin Islands.
3. Defendant, Limetree Bay Terminals, LLC, is a Virgin Islands corporation.
4. Defendant, Limetree Bay Refining, LLC, is a Virgin Islands corporation.
5. Plaintiff is employed by a contractor, Intro Tech at the Limetree Bay Defendants Refining.
6. Plaintiff was at the Limetree QC Lab, which is on the bottom floor of the Limetree Administration Building, on May 20, 2021 at approximately 8:00 p.m.
7. Even though the Limetree Defendants had represented to the EPA and the Virgin Islands Government that the refinery had been shutdown since May 13, 2020, there was a large discharge of H2s, and other chemicals.

CHARLERY, WYN V. LIMETREE BAY TERMINALS, LLC, CIVIL NO.

COMPLAINT

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8. As a result, Plaintiff was gassed in the Limetree Refinery Administration Building, Plaintiff could hear a loud hissing sound of gasses being released.
9. Plaintiff was nearly rendered unconscious by the fumes, had difficulty with balance, and walking, and became extremely nauseated, and began vomiting.
10. Plaintiff slowly was able to get up the stairs and got outside the building.
11. Plaintiff got out side and flagged down an operator who she begged to take her out of the refinery, but he refused.
12. Plaintiff finally went to security who contacted the Limetree Ambulance that took her to the Juan F. Luis Hospital.
13. Plaintiff was treated for two days for H2s related symptoms.
14. Plaintiff continues to have dizziness and nausea, and is under medical care.
15. Plaintiff has suffered physical and mental injuries, medial expenses, loss of income, loss of capacity to earn income, mental anguish, pain and suffering, and loss of enjoyment of life, all of which will continue into the foreseeable future.

COUNT I

16. The Plaintiff sets forth paragraph 1 through 15 as if fully set forth herein.
17. Defendants intentionally allowed toxic chemicals into the atmosphere.
18. As a result, Plaintiff was damaged.

COUNT II

19. The Plaintiff sets forth paragraph 1 through 18 as if fully set forth herein.
20. Defendants negligently allowed toxic chemicals into the atmosphere.
21. As a result, Plaintiff was damaged.

CHARLERY, WYN V. LIMETREE BAY TERMINALS, LLC, CIVIL NO.

COMPLAINT

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COUNT III

22. The Plaintiff sets forth paragraph 1 through 21 as if fully set forth herein.

23. Defendants are operating an abnormally dangerous operation, and as such has increased duties to Plaintiff and the public.

24. Plaintiff breached those duties to Plaintiff and the public.

25. As a result, Plaintiff was damaged.

WHEREFORE, Plaintiff prays for damages as they may appear, compensatory and punitive, and for 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: June 28, 2021

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

Southern District of Texas Claims Register

21-32351 Limetree Bay Services, LLC and Official Committee of Unsecured Creditors

Bankruptcy Judge: David R Jones **Chapter:** 11
Office: Houston **Last Date to file claims:** 11/15/2021
Trustee: **Last Date to file (Govt):** 01/10/2022

<p><i>Creditor:</i> (11950314) Wyn Charlery c/o Lee J. Rohn & Associates, LLC 1108 King Street, Suite 3 Christiansted, VI 00820</p>	<p>Claim No: 7 <i>Original Filed</i> <i>Date:</i> 08/26/2021 <i>Original Entered</i> <i>Date:</i> 08/26/2021</p>	<p><i>Status:</i> <i>Filed by:</i> CR <i>Entered by:</i> Lee J Rohn <i>Modified:</i></p>
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Amount claimed: \$750000.00

History:

Details 7-1 08/26/2021 Claim #7 filed by Wyn Charlery, Amount claimed: \$750000.00 (Rohn, Lee)

Description: (7-1) Proof of Claim

Remarks:

Claims Register Summary

Case Name: Limetree Bay Services, LLC and Official Committee of Unsecured Creditors
Case Number: 21-32351
Chapter: 11
Date Filed: 07/12/2021
Total Number Of Claims: 1

Total Amount Claimed*	\$750000.00
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		
Administrative		