

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

LYDIA CLADEK, INC.,

Case No. 3:10-bk-02805-PMG

Debtor.

(Consolidated by Prior Court Order with Case
No. 10-bk-02800-PMG)

**MOTION OF CHAPTER 11 TRUSTEE OF LYDIA CLADEK, INC.
TO APPROVE PROCEDURES FOR OMNIBUS CLAIM
OBJECTIONS NUNC PRO TUNC AS OF JANUARY 18, 2011**

Michael Phelan, the chapter 11 trustee (the "Trustee") of Lydia Cladek, Inc. (the "Debtor"), hereby moves (the "Motion") the Court for entry of an Order Approving Procedures for Omnibus Claims Objections, and in support thereof, respectfully states:

VENUE AND JURISDICTION

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a "core" proceeding within the meaning of 28 U.S.C. § 157(b)(2).
2. The statutory predicates for the relief requested herein are section 105(a) of title 11 of the United States Code (the "Bankruptcy Code"), as complemented by Rule 3007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

BACKGROUND

3. On April 2, 2010 (the "Filing Date"), several petitioning creditors filed an involuntary Chapter 11 petition against the Debtor, case styled as In re Lydia Cladek, Inc., Case No. 10-bk-02800-PMG, in the United States Bankruptcy Court, Middle District of Florida, Jacksonville Division (the "Involuntary Case").

4. Subsequently, on April 5, 2010, the Debtor filed the instant voluntary Chapter 11 petition, case styled as In re Lydia Cladek, Inc., Case No. 10-bk-02805-PMG, in the United States Bankruptcy Court, Middle District of Florida, Jacksonville Division (the “Voluntary Case”).

5. The Voluntary and Involuntary Chapter 11 cases of the Debtor were subsequently consolidated by Order of this Court dated April 12, 2010, and the Voluntary Case, Case No. 10-02805, was designated the lead case [Doc. No. 32].

6. By Order dated April 14, 2010, this Court approved the appointment of Michael Phelan as Chapter 11 Trustee [Doc. No. 47].

7. The Chapter 11 Trustee is currently operating the Debtor’s business pursuant to sections 1106 and 1108 of the Bankruptcy Code.

8. On June 1, 2010, the Court entered a Notice of Appointment of the Committee [Doc. No. 111].

9. On October 28, 2010, the Committee filed a Disclosure Statement and Plan of Reorganization [Docket Nos. 294 – 295]. In addition, on October 28, 2010, the Committee filed a Motion to Combine Disclosure Statement and Confirmation Hearing [Doc. No. 296] (the “Motion to Combine”).

10. On November 23, 2010, the Trustee filed a Chapter 11 Plan of Liquidation and Disclosure Statement in Support of Plan of Liquidation [Doc. Nos. 347-348].

11. On December 2, 2010, the Committee filed its Amended Disclosure Statement and Amended Plan [Doc. Nos. 354 and 356].

12. On December 3, 2010, the Trustee filed its Amended Disclosure Statement and Amended Plan [Doc. Nos. 361 and 362].

13. On December 3, 2010, the Trustee and Committee filed a joint motion (the "Solicitation Procedures Motion"), pursuant to 11 U.S.C. §§ 105(a), 1125(b), and 1126(b) and Rules 2002, 3003, 3017, 3018, and 3020 of the Federal Rules of Bankruptcy Procedure, for an order (i) conditionally approving the Disclosure Statements and combining the hearing on the Disclosure Statements with the confirmation hearings on the Plans, (ii) approving the dates, procedures, and forms applicable to solicitation, noticing, and implementation process, (iii) approving vote tabulation procedures, (iv) establishing the deadline for filing objections to the Plans, (v) scheduling the hearing to consider confirmation of the Plans, (vi) approving the form of the notice of the confirmation hearings, and (vii) establishing an extended deadline to file proofs of claim with respect to certain parties in interest [Doc. No. 364].

14. On December 6, 2010, a hearing was held on, among other things, the Solicitation Procedures Motion, and on December 7, 2010, the Court entered an order approving that motion (the "Solicitation Procedures Order") [Doc. No. 367]. Upon the ex parte motion of the Committee and the Trustee [Doc. No. 383], the Solicitation Procedures Order was amended by order of this Court dated December 16, 2010 [Doc. No. 388] (the "Amended Solicitation Procedures Order"). Among other things, paragraph 18 of the Amended Solicitation Procedures Order provides a procedure for disallowing the votes of claimants whose claims are subject to a pending objection.

15. Since being appointed, the Trustee has investigated the transfers made by the Debtor in furtherance of the Debtor's operation of a Ponzi scheme. The Trustee has identified hundreds of transfers of funds of the Debtor to Ponzi scheme investors, as well as others, including all recipients of preferential transfers and "net winners" (*i.e.*, investors who received

distributions during the 4 years preceding the Filing Date (the "Fraudulent Conveyance Period") which exceeded the principal amount of their investment with the Debtor).

16. As a result of the investigation, the Trustee (i) has made demand on all recipients of preferential transfers seeking the return of any funds received within the 90 days preceding the Filing Date (the "Preference Period") and (ii) intends to commence lawsuits to avoid and recover fraudulent transfers made to "net winners" pursuant to, *inter alia*, sections 544, 548 and 550 of the Bankruptcy Code and Chapter 726 of the Florida Statutes.

17. According to the books and records of the Debtor, there are 77 claimants who received preferential transfers and have refused to return those funds to the Trustee for the benefit of all creditors. The total amount of preference claims against these recipients aggregates approximately **\$1,901,937.09**. Additionally, there are 317 "net winner" investor claimants who received distributions during the Fraudulent Conveyance Period which exceeded the principal amount of their investment with the Debtor.¹ The total amount of fraudulent conveyance claims against these "net winner" recipients aggregates approximately **\$7,266,133.89**.²

18. As a result of the Debtor's operation as a Ponzi scheme, and in accordance with legal precedent discussing claims distribution and voting in cases wherein a Ponzi scheme was found to exist, the Trustee has contemporaneously herewith filed an omnibus objection to the claims filed by recipients of preferential transfers who have refused to turn over such funds to the

¹ Mary Lou Preston received \$179,570.24 during the Fraudulent Conveyance Period (\$56,810.65 of which was received during the Preference Period), which she has not returned to the estate. Ms. Preston also filed four proofs of claim in this case (Claim Nos. 942 – 945) aggregating \$108,716.52. However, Ms. Preston subsequently filed for chapter 11 protection with this Court on December 3, 2010, and therefore the Trustee has not filed an objection to her claims, nor sought to disallow her vote(s), at this time. The Trustee intends to file a proof of claim in Ms. Preston's chapter 11 case shortly.

² The Trustee reserves the right to amend his objections upon completion of his investigation and discovery in order to assert any additional claims for relief or to add additional claimants which he may identify as may be warranted under the circumstances or as allowed by law. In addition, nothing set forth herein is intended, nor shall be deemed, to modify, limit, release, reduce, or waive any of the Trustee's or the estate's rights, claims, remedies, causes of action, or privileges at law or in equity, all of which are specifically preserved.

Trustee, as well as all "net winners" based upon 11 U.S.C. § 502(d) and the equitable principle that the claims of earlier investors should be disallowed to the extent that such investors would profit at the expense of investors who entered the scheme at a later date and received less or nothing at all from the Debtor (the "Objection"). The Trustee has also filed contemporaneously herewith a motion to disallow the votes of all creditors whose claims are subject to the Objection (the "Motion to Disallow Votes").³

RELIEF REQUESTED

19. By this Motion, the Trustee seeks entry of an Order, pursuant to section 105(a) of the Bankruptcy Code, establishing an omnibus procedure for filing objections to claims in this case. Section 105(a) of the Bankruptcy Code provides that the Court "may issue any order, process or judgment that is necessary or appropriate to carry out the provisions of this title." 11 U.S.C. § 105(a). "[T]he overriding consideration in bankruptcy . . . is that equitable principles govern", *see In re NWFEX, Inc.*, 864 F.2d 588, 590 (8th Cir. 1988), and bankruptcy courts have broad equitable powers to order relief pursuant to section 105(a) of the Bankruptcy Code. *See, e.g., River Hills Assocs., Ltd. v. River Hills Apartments Fund (In re River Hills Apartments Fund)*, 813 F.2d 702, 707 (5th Cir. 1987).

20. Absent an omnibus procedure, the re-filing of the Objection will entail the filing of approximately 388 separate objections.

21. The filing and prosecution by the Trustee and the administration by the Court of the estimated 388 separate objections, all of which will be based upon the same basic theory of disallowance, will entail a tremendous amount of duplicative attorney and judicial labor.⁴ The

³ The Objection and Motion to Disallow Votes are incorporated herein by this reference as if fully set forth herein.

⁴ The Trustee may also seek at a later date to reduce, recharacterize, disallow or expunge, in whole or in part, certain proofs of claim which, *inter alia*, are overstated, are contrary to the Debtor's books and records, are duplicates,

Trustee anticipates an omnibus objection procedure will dramatically reduce the number of hearings which would be required to administer all of the claims, thereby saving judicial labor and significantly accelerating completion of the claims administration process.

22. In order to avoid the impracticality and expense associated with filing the estimated 388 separate objections to claims, the Trustee seeks *nunc pro tunc* approval from this Court, as of January 18, 2011, to object to all of the claims of investors on an omnibus basis for the purpose of disallowing the claims of recipients of preferential and/or fraudulent transfers until such funds are returned to the Trustee for the benefit of all creditors.

23. Bankruptcy Rule 3007, as recently amended, sets forth the requirements and limitations of omnibus claims objections, and the circumstances when omnibus objections are appropriate.

24. Although the circumstances surrounding the Trustee's claim objections do not fit within the prescribed criteria upon which omnibus claims objections are appropriate, the Trustee, pursuant to 11 U.S.C. § 105, and based upon the best interests of the creditors, investors and the chapter 11 bankruptcy estate, and considerations of judicial economy, seeks entry of an Order approving a procedure authorizing the Trustee to object to the claims of creditors on an omnibus basis, as set forth in the proposed Order Establishing Omnibus Objection Procedures annexed hereto as Exhibit A. This Court has previously granted the relief requested herein in a similar case. *See In re Heritage Funding Group, Inc.*, Case No. 3:07-bk-00492-JAF (Bankr. M.D. Fla. Sept. 17, 2008) [Doc. No. 425].

include false or fictitious profits as a result of the Debtor's Ponzi scheme, and/or are otherwise subject to objection under the circumstances or applicable law. The Trustee respectfully requests that the omnibus objection procedures requested herein apply to all subsequent objections as well.

CONCLUSION

WHEREFORE, Michael Phelan, the Chapter 11 Trustee of the consolidated Chapter 11 cases of the Debtor, respectfully requests that the Court (i) grant the Motion *nunc pro tunc* as of January 18, 2011, (ii) enter the Order Establishing Omnibus Objections Procedures in the form annexed hereto as Exhibit A, and (iii) grant the Trustee such other and further relief as this Court deems just and proper.

Dated: January 18, 2011.

AKERMAN SENTERFITT

By: /s/ Steven R. Wirth

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Attorneys for the Chapter 11 Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to all parties who have consented to receive electronic notifications in this case and by U.S. mail on January 18, 2011 to all parties on the attached Amended Official Service list.

/s/ Steven R. Wirth
Attorney

Lydia Cladek, Inc.
Case No.: 3:10-bk-2805-PMG
AMENDED OFFICIAL SERVICE LIST
(amended as of January 18, 2011)

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Exhibit A

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

LYDIA CLADEK, INC.,

Case No. 3:10-bk-02805-PMG

Debtor.

(Consolidated by Prior Court Order with Case
No. 10-bk-02800-PMG)

**ORDER GRANTING MOTION OF CHAPTER 11 TRUSTEE OF
LYDIA CLADEK, INC. TO APPROVE PROCEDURES FOR OMNIBUS
CLAIM OBJECTIONS *NUNC PRO TUNC* AS OF JANUARY 18, 2011**

This case was before the Court on the motion (the "Motion") of Michael Phelan, the Chapter 11 Trustee (the "Trustee") of Lydia Cladek, Inc. (the "Debtor"), for entry of an Order Approving Procedures for Omnibus Claims Objections *Nunc Pro Tunc* as of January 18, 2011; and the Court having considered the Motion and being otherwise advised in the premises; and the Court finding that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; finding that (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); finding that (iii) notice of the Motion was sufficient under the circumstances and no other or further notice need be given; and (iv) the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein, and the objections, if any, to the relief requested in the Motion having been overruled; it his hereby

ORDERED, ADJUDGED and DECREED as follows:

1. The Motion is GRANTED *nunc pro tunc* as of January 18, 2011.
2. For the purpose of objections to and consideration of the allowance of each creditor's claims, the Trustee is authorized to object to any or all claims asserted against the

Debtor's chapter 11 bankruptcy estate, including, but not limited to, those claims set forth on Exhibits A and B annexed hereto on an omnibus basis (the "Omnibus Claims Objection").

3. The Omnibus Claims Objection shall be served and noticed to all interested parties, including all creditors holding claims to which the Trustee objects, pursuant to Local Rule 2002-4 of the Local Rules of Bankruptcy Procedure for the Middle District of Florida, Jacksonville Division.

4. If the allowed amount of a creditor's claim cannot be resolved, determined, or negotiated among the parties and submitted for approval as a compromise pursuant to the applicable Rules of Federal Bankruptcy Procedure, upon the opposition or response of any party in interest to the Omnibus Claims Objection, the Court shall reserve a hearing date and time, which will preserve the right of each creditor, and any interested party, to be heard and present evidence as to the alleged amount of such creditor's claim.

5. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order and the relief requested in the Motion.

DONE AND ORDERED this _____ day of January, 2011, in Jacksonville, Florida.

Paul M. Glenn
Chief United States Bankruptcy Judge

Copies furnished to:

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All interested parties

Exhibit A

Preferential Transfers

Name		Preference Payment	Proof of Claim #	Amount (Unsecured)	Amount (Secured)	Amount (Priority)
Anastasia Lakes, Inc.	100 S.E. 6th Street	\$12,340.48	391	\$825,000.00		
Barnes, John Robert	221 North Krome Avenue	\$12,378.55	465	\$125.00	5,000.00	
Berardo, Donna	2432 MW 14th Place	\$6,230.62	941	\$207,679.45		
Berry, Daniel	P. O. Box 3165	\$20,229.34	859	\$342,296.60		
Beswick, David or Janie	5324 Turtle Point Lane	\$16,250.00	450	\$643,088.86		
Brown, L. Edwin	41 White Court	\$8,386.98	166	\$200,000.00		
Bugarin, Patrocio or Arlene	1162 Regiment Drive NW	\$7,875.00	719	\$0.00		
Bugarin, Patrocio or Arlene			1055	\$56,029.76		
Business & Banking Institute	640 Hillside Drive East	\$20,900.00	759	\$52,131.35		
Caldwell, Charles A.	43 Dolphin Drive	\$8,000.00	1014	\$196,258.51		
	c/o Eric L. Hearn, Esq. Mosely, Prichard, et al.					
Cynthia Anderson Living Trust, The	501 West Bay St.	\$7,500.00	314	\$308,175.00		
Diani, John or Caroline	1 No Name Road	\$26,675.68	47	\$404,437.09		
Eaton Development Company LLC	1749 Lee Jansen Dr.	\$6,250.00	884	\$256,300.00		
Eberle, Eric C.	742 Fox Run Drive	\$6,100.00	45	\$25,448.13		
Ekstrom, Ann L.	1041 Stone Lake Drive	\$20,000.00	534	\$46,896.74		
Ford, Tim or Barbara	29 Bermuda Run Way	\$6,000.00	313	\$414,669.99		
Forrester, Ken	997 Oxford Drive	\$8,641.64	134	\$52,608.64		\$8,480.76
Global Reach, LLC	841 Prudential Drive, 12th Floor	\$28,740.36	51			
			257			
Goerner, David or Catherine	219 Buena Vista Street	\$10,041.10	(Catherine)	\$450,556.03		
Goerner, David or Catherine			259 (David)	\$410,568.06		
Hartwick, Kim	821 Tournament Rd.	\$15,000.00	26	\$272,000.00		
Hartwick, Kim			59	\$277,115.00		
Hayes, Thomas	61 Georgian Lane	\$46,881.32	702	\$164,746.97		
Helping Hand HFS, Inc., A	1008 Whitehouse Blvd.	\$34,252.50	236	\$62,654.17		
Holverson, Sharell	2974 Pacetti Rd., Lot C	\$15,000.00	827	\$1,104,389.90		
Hoppe, Nancy	58 Weeden Street	\$11,700.00	749	\$1,950.00		
Inclan, Gary	905 Fairhope Lane	\$13,380.78	517	\$1,042,406.73		
Joslin, Jeffrey	4396 Club Dr. N.E.	\$7,500.00	786	\$154,396.22		
Jourard, Leonard	2721 Second Street #106	\$10,781.64	99	\$53,000.00		
Jourard, Leonard			119	\$53,000.00		
Kunz, David	95 Hawks Lane	\$34,066.17	221	\$43,529.42		
			993 (Abbott Lieberman and Global Market)			
Lieberman, Al	200 Summer Breezeway, Apt. 130	\$7,024.48	7 (Walter and Cheryl)	\$30,000.00		
Lucas, Walter or Cheryl	402 Brooks Glen Court	\$7,500.00		\$98,679.76		

Exhibit B

"Net Winners"

Last Name	First Name	Claim Number	Proof of Claim Amount	Scheduled Amount	Net Winner Amount
Abarbanel	Jack	1063	\$ 28,390.58	\$ 28,390.58	45,259.86
Allemano	Irene	305	\$ 10,000.00	\$ 7,834.26	5,746.82
Allen	William or Sherri	609	\$ 51,111.00	\$ 51,111.52	8,725.00
Almeida	Joshua			\$ 24,932.29	100.00
Ambrose	Shirley	869	\$ 57,640.83	\$ 57,640.83	3,350.00
Amelung	Tracy L.			\$ 354.20	2,478.99
Bartin	Cindy L. Bartin	901	\$ 10,765.48	\$ 10,765.48	7,833.69
Beswick	Janie	450	\$ 643,088.86	\$ 614,745.49	18,000.00
Brown	Leslie	1041	\$ 9,282.21	\$ 9,282.21	7,615.77
Brownsberger	Claudia	304	\$ 89,136.06	\$ 93,575.38	27,189.35
Brownsberger	Michael	492	\$ 3,341.56	\$ 3,341.56	2,000.00
Bryan	Hunter Lee	580	\$ 31,888.01	\$ 31,888.01	450.00
Byerly, Trustee	Trudy Ann	411	\$ 94,500.00	\$ 94,261.69	15,300.00
Caldwell	Donna	1014	\$ 196,258.51	\$ 7,057.52	22,993.32
Carlton	Sue	658	\$ 11,032.81	\$ 11,032.81	24,815.24
Chip Caldwell and Assoc LLC		1014	\$ 196,258.51	\$ 81,860.40	294,310.78
Cisar	Shirley	29	\$ 360,427.72	\$ 362,875.08	82,276.33
Cisar	Paul	204	\$ 20,000.00	\$ 20,966.73	16,049.64
Cisar	Shirley	409	\$ 362,875.08		
Comiskey	Yolanda and Timothy			\$ 20,981.23	21,618.61
Crandall	Ralph	345	\$ 16,022.52	\$ 16,022.52	2,100.00
Dague	Donna	983	\$ 10,375.00	\$ 10,490.61	5,304.17
Daigneau	Meghan	479	\$ 10,509.45		5,190.37
Daigneau	Kayla	479	\$ 10,509.45	\$ 10,509.45	1,125.00
Danna	Abbie	703	\$ 10,464.75	\$ 10,464.75	12,569.10
Danna	Nicholas	706	\$ 16,176.15	\$ 16,176.15	2,321.71
Danowski, Trustee	Rudolph	973	\$ 158,476.14	\$ 158,476.14	20,580.91
Davis	Edith	772	\$ 3,222.67	\$ 4,126.75	4,880.62
Delchrico	Irene	282	\$ 70,570.71	\$ 70,570.71	10,125.00
Dennis	Sam or Bonnie	437	\$ 1,543.12	\$ 1,543.12	163.61
Drury	Chad A.	1029	\$ 52,450.39	\$ 46,278.02	39,216.61
Drury	Kevin or Lori			\$ 26,881.64	50,776.86
Filler	Rochelle	871	\$ 122,315.24	\$ 122,315.24	54,540.53
Fisher	Ron	167	\$ 347,235.16	\$ 345,933.69	27,500.00

"Net Winners"

Last Name	First Name	Claim Number	Proof of Claim Amount	Scheduled Amount	Net Winner Amount
Freeman	Dulcy	70	\$ 10,375.00	\$ 10,569.92	4,430.95
Gannon	Brian J.			\$ 3,404.84	8,131.70
George	Monica	442	\$ 101,250.00	\$ 102,044.74	3,750.00
Gilligan	Thomas and Marianna	484	\$ 56,348.59		
Gilligan begins 1/2/04	Tom or Marianna	390	\$ 89,672.93	\$ 54,308.41	46,707.61
Girouard	Allain	371	\$ 252,747.77	\$ 41,389.01	196,227.58
Glover	Peter	803	\$ 65,000.00	\$ 63,772.62	13,444.79
Goedjen or Linda Potempa	Ruth	585	\$ 50,000.00	\$ 52,849.59	11,875.00
Goedjen or Linda Potempa	Ruth	587	\$ 50,000.00		
Gordon	Sean	1048	\$ 165,000.00	\$ 167,787.66	44,940.07
Greene	ReAnna L.	709	\$ 5,911.54	\$ 5,911.54	5,000.00
Greene	Renee or Taryn	710	\$ 6,329.99	\$ 6,329.99	5,000.00
Greene	Renne T. or Terry M.	711	\$ 5,957.59	\$ 5,957.59	5,000.00
Gregory	Susan Mitchell	722	\$ 108,956.88	\$ 103,002.36	18,344.83
Grill	Diana	875	\$ 20,554.00	\$ 21,033.45	2,427.72
Gronen	Melinda	100	\$ 45,750.01	\$ 48,557.39	10,413.93
Hansen	Jeannie			\$ 65,991.16	52,064.60
Harper	Merle R.	298	\$ 18,240.27	\$ 18,416.47	9,638.45
Harrell	Ben B.	378	\$ 105,000.00	\$ 106,293.38	166,739.58
Haugen	Beverly	542	\$ 25,000.00	\$ 26,245.09	8,750.00
Hayes	Thomas	702	\$ 164,746.97	\$ 164,746.97	209.62
Helen Lucas Memorial		1051	\$ 4,324.15	\$ 4,613.70	39.78
Hoffman	James	1079	\$ 5,148.95	\$ 5,148.95	408.93
Jimae, Inc.		908	\$ 16,527.30	\$ 15,852.30	4,635.00
Johnson	Lynn	699	\$ 860.19		13,970.57
Johnson	Lynn	700	\$ 209,548.22	\$ 209,548.22	
Johnston	Linda	821	\$ 57,770.53	\$ 57,770.53	111,661.82
Jones	Noreen	144	\$ 195,238.00	\$ 199,741.70	47,455.43
Kathleen Trued Revocable Living Trust				\$ 176,025.67	47,200.38
Kelly	Suzi	750	\$ 5,505.12	\$ 5,505.12	9,424.98
Kunz	David	221	\$ 43,529.42	\$ 43,876.92	2,582.82
Langley	Linda M.	1012	\$ 1,713.90	\$ 1,713.90	11,645.69
Langley	R. Brock	1008	\$ 41,598.91	\$ 41,598.91	2,500.00

"Net Winners"

Last Name	First Name	Claim Number	Proof of Claim Amount	Scheduled Amount	Net Winner Amount
Langley	Laura	1011	\$ 1,447.99	\$ 1,447.99	50.31
Latin King Restaurant ESOP		533	\$ 330,284.95	\$ 330,284.95	130,000.00
Leavitt	Stuart	1071	\$ 32,110.85	\$ 32,110.85	4,607.07
Leavitt	Nadine	1072	\$ 27,301.25	\$ 27,301.25	48,814.96
Levin	Sheila	27	\$ 51,737.91	\$ 52,367.07	1,550.53
Levin	Sheila	1025	\$ 50,858.00		
Lucas	Doug and Colleen	83	\$ 6,000.00	\$ 6,371.32	21,928.07
Lybbert	Leonard	595	\$ 70,713.38	\$ 70,713.05	22,079.80
Mandeville	Charles A. or Susan	358	\$ 861,089.45	\$ 1,081,847.05	315,544.75
Martinez	Carmen Iris	153	\$ 827.20	\$ 870.53	200.00
Matzke	Robert	651	\$ 137,275.47	\$ 137,275.47	11,710.40
Medick	Peggy	563	\$ 64,351.73	\$ 64,351.73	9,500.00
Meitin	Marie	666	\$ 52,841.00	\$ 52,708.48	1,658.81
Mongan	Dolores	376	\$ 15,000.00	\$ 18,527.67	3,145.04
Moore	Miles	355	\$ 10,043.83	\$ 10,043.83	5,367.81
Moore	Stephanie			\$ 1,410.09	1,500.00
Moss Family Trust		1076	\$ 25,546.52	\$ 25,546.52	158,184.25
Murray	Hannah	415	\$ 19,546.91	\$ 19,546.91	7,600.00
Neighborhood Realty, Inc.		564	\$ 181,106.21	\$ 181,944.69	41,703.55
Neiswender	Brigitte or Steven	660	\$ 738,210.98	\$ 604,981.85	84,712.81
Neiswender	Steve	660	\$ 738,210.98	\$ 133,229.13	39,504.98
Newton, M&E	Mary or Earl	470	\$ 489,831.87	\$ 173,508.99	52,851.12
Noble 1/26/04, 2805	Susan	582	\$ 256,955.59	\$ 256,955.59	4,759.70
Nock	John	921	\$ 66,492.00	\$ 54,967.82	480,297.03
O'Brien	Sean	958	\$ 314,239.44	\$ 314,239.44	108,745.27
O'Dwyer	Kevin	426	\$ 50,000.00	\$ 53,356.05	25,750.00
Page	Donald or Frances	1057	\$ 17,506.86	\$ 17,506.86	11,652.79
Page	Donald or Frances	1059	\$ 17,500.00		
Palmes	Barbara A.	234	\$ 84,402.12	\$ 89,222.61	15,107.98
Paumen	Gregg or Karen Guido			\$ 15,599.80	1,311.55
Pelaggi, TTEE	Frank	874	\$ 375,000.00	\$ 367,195.23	46,832.41
Peterson	David	244	\$ 39,561.29	\$ 11,010.19	16,430.18
Peterson	Hannelore	934	\$ 123,785.84	\$ 123,785.84	15,000.00
Quarles	Anne M.	949	\$ 16,209.88	\$ 16,209.88	14,500.00

"Net Winners"

Last Name	First Name	Claim Number	Proof of Claim Amount	Scheduled Amount	Net Winner Amount
Reina	Carol	672	\$ 2,364.04	\$ 2,399.50	4,801.83
Rivera	Alyssa	1000	\$ 5,512.26	\$ 4,119.86	700.07
Rivera	Roberto	999	\$ 5,512.26	\$ 4,119.86	700.07
Rivera	Leonor T.	165	\$ 6,342.49	\$ 6,342.49	300.00
Russell	James	448	\$ 3,767.24	\$ 3,772.80	750.00
Russell	Leah	446	\$ 1,997.56	\$ 2,000.51	400.00
Saliny	Morgan	431	\$ 42,791.97	\$ 43,287.32	32,000.00
Schaaf	Janet	737	\$ 119,121.71	\$ 101,121.71	22,679.34
Schaefer	Daniel	926	\$ 9,498.83	\$ 9,622.71	188.65
Schafer	Kimberly	1017	\$ 30,000.00	\$ 31,554.27	4,556.48
Schleifer	Robert			\$ 2,386.08	4,963.72
Schleifer	William	592	\$ 2,366.91	\$ 2,316.43	3,448.41
Schmidt	Dennis	634	\$ 17,794.10	\$ 17,049.77	2,890.55
Schmidt	Dennis	1068	\$ 17,794.10		
Seidman	Jeffrey	324	\$ 62,750.00	\$ 67,098.26	32,730.81
Sharp	Bradley or Debra			\$ 4,926.58	5,491.71
Sheaffer	Anna	838	\$ 5,300.59	\$ 34,105.01	12,113.42
Sheaffer	Anna	860	\$ 3,158.69		
Sheaffer	Anna	861	\$ 15,920.45		
Sheaffer	Anna	862	\$ 9,725.28		
Shelley	Tara	915	\$ 4,008.10	\$ 4,008.10	800.00
Sinnott	J. William	no claim		\$ 26,856.43	2,450.00
Sinnott	Kathleen	no claim		\$ 26,717.28	9,125.00
Smith	Elaine	146	\$ 61,800.00	\$ 61,863.37	1,641.73
Solomon	Stephen M.	1026	\$ 5,000.00	\$ 5,379.81	4,941.27
Spaulding	D.L.	73	\$ 614,353.00	\$ 645,770.61	12,075.84
Stafford	Barbara			\$ 10,575.04	16,583.20
Starke	James	125	\$ 126,209.33	\$ 127,558.43	61,022.03
Starke	Diana	126	\$ 137,567.15	\$ 138,998.74	58,021.05
Starke	Diana	126	\$ 137,567.15	\$ 138,998.74	1,399.65
Swanson	Eric	903	\$ 87,980.32	\$ 87,980.32	26,704.36
The Jane D. Weiss Family Foundation		975	\$ 157,710.84		24,621.00
The Weiss Trust				\$ 940,848.77	231,954.56
Thomas	Gertrude	557	\$ 52,586.85	\$ 52,586.85	8,463.03

"Net Winners"

Last Name	First Name	Claim Number	Proof of Claim Amount	Scheduled Amount	Net Winner Amount
Thompson	David and Rachel			\$ 363,449.90	184,000.13
Thompson	Marian	447	\$ 284,670.45	\$ 284,716.36	72,157.52
Thompson	Susan	361	\$ 481,676.04	\$ 406,276.44	11,776.06
Thorpe	Joan and Albert	287	\$ 5,000.00	\$ 5,526.53	1,098.86
Tully	Barry	434	\$ 20,592.66	\$ 20,592.66	22,494.12
Tursi	Robert	535	\$ 76,727.86	\$ 76,727.86	148,605.04
Weatherford	Dale or Connie	5	\$ 356,803.10	\$ 74,371.93	355,877.33
Weatherford	Dale or Connie	1052	\$ 356,803.10		
Webb	Thomas	725	\$ 80,151.85	\$ 80,151.85	166,977.61
Webb	PD fr Tom Webb #3887				5,775.00
Webb	Thomas or Judy			\$ 80,151.85	1,568.51
Webb	Thomas	731	\$ 212,509.87		
Wingo	Herbert			\$ 526.43	2,000.00
Wisner	Lauren	894	\$ 11,000.00	\$ 11,187.85	6,162.50
Wisner	Lauren	964	\$ 11,000.00		
Wolf	Todd	532	\$ 4,000.83	\$ 4,000.83	2,336.86
Young	James			\$ 5,854.16	9,764.47