

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

Debtor Cytera Communications, LLC

United States Bankruptcy Court for the: \_\_\_\_\_ District of New Jersey  
(State)

Case number 23-14852

**Official Form 410  
Proof of Claim**

**04/22**

**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 or 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. <b>Who is the current creditor?</b>	<u>1919 Park Avenue Associates, L.L.C.</u> <small>Name of the current creditor (the person or entity to be paid for this claim)</small>	
	Other names the creditor used with the debtor _____	
2. <b>Has this claim been acquired from someone else?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. <b>Where should notices and payments to the creditor be sent?</b>	<b>Where should notices to the creditor be sent?</b> See summary page	<b>Where should payments to the creditor be sent? (if different)</b>
	Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	
	Contact phone <u>201-931-6910</u> Contact email <u>ivolkov@mcgrailbensinger.com</u>	Contact phone _____ Contact email _____
	Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	
4. <b>Does this claim amend one already filed?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ <small>MM / DD / YYYY</small>	
5. <b>Do you know if anyone else has filed a proof of claim for this claim?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	



**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? \$ 535,947.89. 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.  
  
Amounts due under Lease; see attached Rider.

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.  
**Nature or property:**  
 Real estate: If the claim is secured by the debtor's principle 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 amount 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. \$ 65,628.68

11. Is this claim subject to a right of setoff?  No  
 Yes. Identify the property: See attached Rider.



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

No

Yes. Check all that apply:

	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 \$3,350* 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 \$15,150*) 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).	\$ _____
<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 subsection of 11 U.S.C. § 507(a)( ) that applies.	\$ _____

\* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

13. Is all or part of the claim pursuant to 11 U.S.C. § 503(b)(9)?

No

Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ \_\_\_\_\_

**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 acknowledgement 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 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 08/09/2023  
MM / DD / YYYY

/s/Ilana Volkov  
Signature

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

Name Ilana Volkov  
First name Middle name Last name

Title Attorney

Company McGrail and Bensinger LLP  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_

Contact phone \_\_\_\_\_ Email \_\_\_\_\_



# KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (877)-726-6510 | International 001-310-823-9000

<b>Debtor:</b> 23-14852 - Cyxtera Communications, LLC		
<b>District:</b> District of New Jersey, Newark Division		
<b>Creditor:</b> 1919 Park Avenue Associates, L.L.C. McGrail and Bensinger, LLP, Attn: Ilana Volkov, Esq. 888-C 8th Avenue, #107  New York, NY, 10019  <b>Phone:</b> 201-931-6910  <b>Phone 2:</b>   <b>Fax:</b>   <b>Email:</b> ivolkov@mcgrailbensinger.com	<b>Has Supporting Documentation:</b> Yes, supporting documentation successfully uploaded  <b>Related Document Statement:</b>  <b>Has Related Claim:</b> No  <b>Related Claim Filed By:</b>  <b>Filing Party:</b> Authorized agent	
<b>Other Names Used with Debtor:</b>	<b>Amends Claim:</b> No  <b>Acquired Claim:</b> No	
<b>Basis of Claim:</b> Amounts due under Lease; see attached Rider.	<b>Last 4 Digits:</b> No	<b>Uniform Claim Identifier:</b>
<b>Total Amount of Claim:</b> 535,947.89	<b>Includes Interest or Charges:</b> Yes	
<b>Has Priority Claim:</b> No	<b>Priority Under:</b>	
<b>Has Secured Claim:</b> No  <b>Amount of 503(b)(9):</b> No  <b>Based on Lease:</b> Yes, 65,628.68  <b>Subject to Right of Setoff:</b> Yes, See attached Rider.	<b>Nature of Secured Amount:</b>  <b>Value of Property:</b>  <b>Annual Interest Rate:</b>  <b>Arrearage Amount:</b>  <b>Basis for Perfection:</b>  <b>Amount Unsecured:</b>	
<b>Submitted By:</b> Ilana Volkov on 09-Aug-2023 1:52:45 p.m. Eastern Time  <b>Title:</b> Attorney  <b>Company:</b> McGrail and Bensinger LLP		

**RIDER TO PROOF OF CLAIM OF  
1919 PARK ASSOCIATES, L.L.C.**

1. 1919 Park Associates, L.L.C. (“Claimant”) is a party to a Lease dated July 24, 2009 (the “Lease”), with Cyxtera Communications, LLC (the “Debtor”) f/k/a Savvis Communications Corporation, pursuant to which Claimant, as landlord, leases certain premises to the Debtor located at 1919 Park Avenue, Weehawken, New Jersey. A copy of the Lease is available upon request to [vurban@mcgrailbensinger.com](mailto:vurban@mcgrailbensinger.com).<sup>1</sup>

2. As of the Petition Date, the Debtor was indebted to Claimant under the Lease in the amount of \$535,947.89 (the “Claim Amount”). A calculation of the Claim Amount is attached hereto as **Exhibit A**.

3. It is the Claimant’s position that the sum of \$470,319.21 of the Claim Amount constitutes an administrative expense claim pursuant to 11 U.S.C. §§ 365(d)(3) and 503(b)(1) (the “Administrative Claim”). If the Debtor pays the Administrative Claim as an administrative expense claim of its estate, the Claimant’s pre-petition claim will be reduced to \$65,628.68.

4. Also, the Debtor is obligated under the Lease for year-end CAM reconciliations. As of the date hereof, there are unliquidated CAM reconciliations due under the Lease for the years 2022 and 2023.

5. The Claimant does not waive, and expressly reserves, all rights and remedies at law or in equity that it has or may have against the Debtor and any other person or entity, including the guarantor of the Lease.

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<sup>1</sup> Pursuant to the Lease, Claimant holds a security deposit in the amount of \$1,281,576.00 in the form of a Letter of Credit from Citibank, N.A.

6. The Claimant reserves the right to amend or supplement this Proof of Claim at any time and in any respect, including, without limitation, as necessary or appropriate to amend, quantify, or correct amounts due or to provide additional detail regarding the claim set forth herein.

## **EXHIBIT A**

**Claim Calculation - Cyxtera Communications, LLC**

Property=we1919pa AND Tenant=savis AND mm/yy=01/2023-07/2023

Date	Charge Remarks	* prop ins 05/01-06/03/23 - 34/366 days			* prop ins 06/04-06/30/23 (27/366 days)		* prop ins 07/01-05/30/24 (305/366 days)		Payment Rec'd	Balance Due
		O/S Bal 5/31/2023	Pre-Petition Rent/CAM 06/01-06/03/23	Post-Petition Rent/CAM 06/04-06/30/23	Post 07/01-	Total	07/06/23	07/24/23		
12/3/2021	-71.97	(71.97)								(71.97)
3/9/2023	2,622.21 2022 Development Cam Cost Reconciliation	2,622.21								2,622.21
6/1/2023	14,543.90 cam - operating costs (06/2023)		1,454.39	13,089.51						14,543.90
6/1/2023	496,937.88 fixed rent (06/2023)		49,693.79	447,244.09						496,937.88
6/15/2023	128,425.81 Property Insurance 5/1/23-4/30/24 - 366 days		11,930.27	9,474.04	107,021.51	128,425.81			(110,819.00)	17,606.81
7/1/2023	14,543.90 cam - operating costs (07/2023)				14,543.90	14,543.90			(14,543.90)	-
7/1/2023	496,937.88 fixed rent (07/2023)				496,937.88	496,937.88			(496,937.88)	-
	4,309.06 late fee (rent 06/2023)				4,309.06	4,309.06				4,309.06
<b>1,153,939.61</b>		<b>\$ 2,550.24</b>	<b>\$ 63,078.44</b>	<b>\$ 469,807.64</b>	<b>\$ 622,812.35</b>	<b>\$ 1,158,248.67</b>		<b>\$ (622,300.78)</b>		<b>\$ 535,947.89</b>



**1919 Park Avenue Associates, LLC**

500 Plaza Drive - 6th Floor

Secaucus, NJ 07096-1515

**Invoice**

Account: we1919pa - 0101 - savvis

Date: 08/08/23

Payment: \_\_\_\_\_

**CYXTERA COMMUNICATIONS, LLC (L-NJ-EWR03-  
C/O JONES LANG LASALLE - ATTN:  
260 FORBES AVENUE, SUITE 1300  
PITTSBURGH, PA 15222**

**RETURN TOP PORTION WITH PAYMENT**

**A fee will be  
charged on any  
returned checks.**

<b>Date</b>	<b>Description</b>	<b>Control #</b>	<b>Charges</b>	<b>Balance</b>
8/8/2023	Late Fee June 2023		\$4,309.06	\$4,309.06

**Invoice Amount**

\$4,309.06

# LATE FEE REPORT

**Property:** we1919pa

**Month:** June 2023

**Rate:** 8.25%

**Tenant:** savvis

**Plus:** 2.00%

<b>Date</b>	<b>Description</b>	<b>Amount</b>	<b>Date Paid</b>	<b>Rate</b>	<b>Days in Period</b>	<b>Total Davs</b>	<b>Late Fee</b>
06/01/2023	6/1/23	\$511,481.78		10.25%	365	30	\$4,309.06

**Total Amount Due**

\$4,309.06