

**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. Who is the current creditor?	<u>1111 Comstock Property, LLC</u> 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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b>	<b>Where should payments to the creditor be sent? (if different)</b>
	<u>1111 Comstock Property, LLC</u> <u>c/o Ballard Spahr LLP</u> <u>Attn: Matthew G. Summers</u> <u>919 N. Market Street, 11th Floor</u> <u>Wilmington, DE 19801, United States</u>	
	Contact phone <u>302-252-4428</u>	Contact phone _____
	Contact email <u>summersm@ballardspahr.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?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) <u>398</u> Filed on <u>8/15/2023</u> <small>MM / DD / YYYY</small>	
5. Do you know if anyone else has filed a proof of claim for this claim?	<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? \$ 17,399,856. 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.  
Lease Rejection Damages

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. \$ 0

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 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 08/16/2023  
MM / DD / YYYY

/s/Nicholas Laag  
Signature

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

Name Nicholas Laag  
First name Middle name Last name

Title CEO

Company Prime Data Centers Corp.  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 110 Pacific Avenue, San Francisco, CA, 94111, USA

Contact phone 415-941-9050 Email nlaag@primedatacenters.com



# 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> 1111 Comstock Property, LLC c/o Ballard Spahr LLP Attn: Matthew G. Summers 919 N. Market Street, 11th Floor  Wilmington, DE, 19801 United States <b>Phone:</b> 302-252-4428 <b>Phone 2:</b>  <b>Fax:</b>  <b>Email:</b> summersm@ballardspahr.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>	
<b>Other Names Used with Debtor:</b>	<b>Amends Claim:</b> Yes - 398, 8/15/2023 <b>Acquired Claim:</b> No	
<b>Basis of Claim:</b> Lease Rejection Damages	<b>Last 4 Digits:</b> No	<b>Uniform Claim Identifier:</b>
<b>Total Amount of Claim:</b> 17,399,856	<b>Includes Interest or Charges:</b> No	
<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, 0 <b>Subject to Right of Setoff:</b> No	<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> Nicholas Laag on 16-Aug-2023 5:23:13 p.m. Eastern Time <b>Title:</b> CEO <b>Company:</b> Prime Data Centers Corp.		
<b>Optional Signature Address:</b> Nicholas Laag Prime Data Centers Corp. 110 Pacific Avenue  San Francisco, CA, 94111 USA <b>Telephone Number:</b> 415-941-9050 <b>Email:</b> nlaag@primedatacenters.com		

United States Bankruptcy Court for the District of New Jersey		
Indicate Debtor against which you assert a claim by checking the appropriate box below. <b>(Check only one Debtor per claim form.)</b>		
<input checked="" type="checkbox"/> Cyxtera Communications, LLC (Case No. 23-14852)	<input type="checkbox"/> Cyxtera DC Holdings, Inc. (Case No. 23-14858)	<input type="checkbox"/> Cyxtera Holdings, LLC (Case No. 23-14863)
<input type="checkbox"/> Cyxtera Technologies, Inc. (Case No. 23-14853)	<input type="checkbox"/> Cyxtera DC Parent Holdings, Inc. (Case No. 23-14859)	<input type="checkbox"/> Cyxtera Management, Inc. (Case No. 23-14864)
<input type="checkbox"/> Cyxtera Canada TRS, ULC (Case No. 23-14854)	<input type="checkbox"/> Cyxtera Digital Services, LLC (Case No. 23-14860)	<input type="checkbox"/> Cyxtera Netherlands B.V. (Case No. 23-14865)
<input type="checkbox"/> Cyxtera Canada, LLC (Case No. 23-14855)	<input type="checkbox"/> Cyxtera Employer Services, LLC (Case No. 23-14861)	<input type="checkbox"/> Cyxtera Technologies Maryland, Inc. (Case No. 23-14866)
<input type="checkbox"/> Cyxtera Communications Canada, ULC (Case No. 23-14856)	<input type="checkbox"/> Cyxtera Federal Group, Inc. (Case No. 23-14862)	<input type="checkbox"/> Cyxtera Technologies, LLC (Case No. 23-14867)
<input type="checkbox"/> Cyxtera Data Centers, Inc. (Case No. 23-14857)		

## Official Form 410 Proof of Claim

04/22

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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.

<b>Part 1: Identify the Claim</b>		
<b>1. Who is the current creditor?</b>	<u>1111 Comstock Property, LLC</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 _____	
<b>2. Has this claim been acquired from someone else?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
<b>3. Where should notices and payments to the creditor be sent?</b>	<b>Where should notices to the creditor be sent?</b>  <u>Matthew G. Summers, Ballard Spahr LLP</u> <small>Name</small> <u>919 N. Market Street, 11th Floor</u> <small>Number Street</small> <u>Wilmington DE 19801</u> <small>City State ZIP Code</small>  Country _____ Contact phone <u>(302) 252-4428</u> Contact email <u>summersm@ballardspahr.com</u>	<b>Where should payments to the creditor be sent? (if different)</b>  Name _____ Number Street _____ City State ZIP Code _____  Country _____ Contact phone _____ Contact email _____
<b>4. Does this claim amend one already filed?</b>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) <u>398</u> Filed on <u>08/15/2023</u> <small>MM / DD / YYYY</small>	
<b>5. 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? _____	

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Lease Rejection Damages

9. Is all or part of the claim secured?  No  
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 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.)  
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10. Is this claim based on a lease?  No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$ 0

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 all that apply:
- |   |   |
|---|---|
| <input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).  | Amount entitled to priority<br>\$ _____ |
| <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 entitled to administrative priority 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.

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

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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 08/15/2023  
MM / DD / YYYY

Signature \_\_\_\_\_

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

Name Nicholas Laag  
First name Middle name Last name

Title CEO

Company Prime Data Centers Corp.  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 110 Pacific Avenue  
Number Street  
San Francisco CA 94111  
City State ZIP Code Country

Contact phone 415 941 9050 Email nlaag@primedatacenters.com

## Schedule to Proof of Claim

**In re Cyxtera Communications, LLC**  
**Case No. 23-14852 (Chapter 11)**  
**United States Bankruptcy Court for the District of New Jersey**

**Creditor: 1111 Comstock Property, LLC (“Landlord”)**

This Schedule supplements the information stated in the accompanying Proof of Claim and shall constitute part of the Proof of Claim.

### **I. Basis for the Claim**

Landlord and Cyxtera Communications, LLC (the “Debtor”), are parties to that certain Powered Shell Lease Agreement dated April 28, 2021 (as amended, modified, and extended, the “Lease”), pursuant to which the Debtor leases certain data center premises located at 1111 Comstock Street, Santa Clara, California 95054 (as more specifically described in the Lease, the “Premises”), from Landlord.

On or about June 4, 2023 (the “Petition Date”), the Debtor and certain affiliates (the “Debtors”), filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code. On July 31, 2023, the Debtors filed a Notice of Rejection of Certain Unexpired Leases [Dkt. No. 348], pursuant to which the Debtors seek to reject the Lease effective as of July 31, 2023 (the “Rejection Date”). Although the Bankruptcy Court has not yet entered an Order approving rejection of the Lease, the deadline to object to the proposed rejection expired on August 10, 2023, without an objection being filed, and on August 11, 2023, the Debtor’s filed a Certificate of No Objection with Respect to the Debtors’ Notice of Rejection of Certain Unexpired Leases [Dkt. No. 398].

### **II. Calculation and Classification of the Claim**

As of the Petition Date, there was no past due rent due and owing to the Landlord.

As a result of the Lease rejection, Landlord has incurred rejection damages. Landlord’s rejection claim is limited to the greater of fifteen percent (15%) of the total amount that would be due during the remaining term of the Lease, not to exceed 3 years rent, or one year’s rent under the Lease. 11 U.S.C. § 502(b)(6). The rent remaining under the Lease from the Rejection Date until the expiration of the Lease Term on May 31, 2038, totals \$115,999,038. Fifteen percent of the remaining rent due under the Lease is \$17,399,856. One year’s rent remaining under the Lease is \$6,111,248. Because fifteen percent (15%) of the remaining rent due under the Lease is greater than one year’s rent under the Lease, Landlord’s claim for rejection damages asserted herein is at least \$17,399,856. Landlord’s claim is unsecured.

Information supporting the calculation of Landlord’s rejection damages is attached hereto as Exhibit A.



### **III. Reservation of Rights**

Landlord reserves the right to amend this proof of claim to include amounts not stated above, including, without limitation, costs, expenses, attorneys' fees, and any other charges or amounts due, as appropriate, under applicable bankruptcy and non-bankruptcy law. Landlord reserves all of its rights and remedies, including, without limitation, the right to amend this claim from time to time to reflect additional charges, adjustments and the like, due and payable under the Lease, as the same become quantified, known or available. Landlord further reserves the right to assert administrative claims for postpetition rent accrued but unpaid for the period from the Petition Date to the Rejection Date. The inclusion of any amount in this proof of claim shall not waive Landlord's right to assert an administrative claim based on the same amounts, or a portion thereof, and shall not constitute an admission that any amount included herein that is entitled to administrative priority is an unsecured claim.

# **EXHIBIT A**

Landlord Entity  
Address

1111 Comstock Property, LLC  
1111 Comstock St, Santa Clara, CA 95054

**1111 Comstock Claim Calculation**

1111 Comstock Property, LLC

**Rejection Claim:**

Greater of:

(a) 12 months future rent	6,115,248
AND	
(b) 15% of Remaining Lease Term	17,399,856
<i>Not to exceed 3 Years of Rent Due</i>	20,199,376

**Total Claim** **17,399,856**

*Data for calculation*

1111 Comstock Property, LLC

<b>Total Contract Value</b>	<b>Amount</b>
Rent	91,864,721
Property Tax	19,539,270
Insurance	4,595,048
<b>Total</b>	<b>115,999,038</b>

<b>12 Months Future Rent</b>	<b>Amount</b>
Rent	4,817,628
Property Tax	1,050,560
Insurance	247,060
<b>Total</b>	<b>6,115,248</b>

<b>3 Years Rent Due</b>	<b>Amount</b>
Rent	16,188,563
Property Tax	3,247,175
Insurance	763,638
<b>Total</b>	<b>20,199,376</b>

*Notes*

1. Property Tax - Calculation derived by taking the Total Building Cost multiplied by the Santa Clara tax rate of 1.2% and escalated by 3.0% per year
2. Insurance - Calculation derived by taking the 2023/2024 annual premiums, escalated by 3.0% per year. Details of the premiums below.