

Fill in this information to identify the case:

Debtor Cytera Communications Canada, ULC

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

Case number 23-14856

**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

<p>1. Who is the current creditor?</p>	<p><u>36th Street Capital Partners, LLC</u> Name of the current creditor (the person or entity to be paid for this claim)</p> <p>Other names the creditor used with the debtor _____</p>	
<p>2. Has this claim been acquired from someone else?</p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. From whom? _____</p>	
<p>3. Where should notices and payments to the creditor be sent?</p> <p>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</p>	<p>Where should notices to the creditor be sent?</p> <p>See summary page</p>	<p>Where should payments to the creditor be sent? (if different)</p> <p><u>36th Street Capital Partners, LLC</u> <u>c/o Matthew Ozanich</u> <u>161 Headquarters Plaza East Tower</u> <u>5th Floor</u> <u>Morristown, NJ 07960, United States</u></p> <p>Contact phone <u>4122883834</u></p> <p>Contact email <u>aleventhal@reedsmith.com</u></p>
<p>Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____</p>		
<p>4. Does this claim amend one already filed?</p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY</p>	
<p>5. Do you know if anyone else has filed a proof of claim for this claim?</p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Who made the earlier filing? _____</p>	



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? \$ See Addendum. 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 Addendum.

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. \$ _____

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 08/14/2023
MM / DD / YYYY

/s/Matthew Ozanich
Signature

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

Name Matthew Ozanich
First name Middle name Last name

Title Senior Vice President

Company 36th Street Capital Partners, LLC
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 161 Headquarters Plaza East Tower, 5th Floor, Morristown, NJ, 07960, United States

Contact phone 9082646551 Email mzanich@36thstreetcapital.



KCC ePOC Electronic Claim Filing Summary

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

Debtor: 23-14856 - Cyxtera Communications Canada, ULC		
District: District of New Jersey, Newark Division		
Creditor: 36th Street Capital Partners, LLC c/o Reed Smith LLP, Attn: Alexis Leventhal 225 Fifth Avenue Pittsburgh, PA, 15222 United States Phone: 4122883834 Phone 2: Fax: 412-288-3063 Email: aleventhal@reedsmith.com	Has Supporting Documentation: Yes, supporting documentation successfully uploaded Related Document Statement:	
	Has Related Claim: No Related Claim Filed By:	
	Filing Party: Creditor	
Disbursement/Notice Parties: 36th Street Capital Partners, LLC c/o Matthew Ozanich 161 Headquarters Plaza East Tower 5th Floor Morristown, NJ, 07960 United States Phone: 9082646551 Phone 2: Fax: E-mail: mozanich@36thstreetcapital.com DISBURSEMENT ADDRESS		
Other Names Used with Debtor:	Amends Claim: No Acquired Claim: No	
Basis of Claim: See Addendum.	Last 4 Digits: No	Uniform Claim Identifier:
Total Amount of Claim: See Addendum	Includes Interest or Charges: None	
Has Priority Claim: No	Priority Under:	
Has Secured Claim: No	Nature of Secured Amount:	
Amount of 503(b)(9): No	Value of Property:	
Based on Lease: No	Annual Interest Rate:	
Subject to Right of Setoff: No	Arrearage Amount:	
	Basis for Perfection:	
	Amount Unsecured:	
Submitted By: Matthew Ozanich on 14-Aug-2023 10:27:41 a.m. Eastern Time Title: Senior Vice President Company: 36th Street Capital Partners, LLC		

Optional Signature Address:

Matthew Ozanich
36th Street Capital Partners, LLC
161 Headquarters Plaza East Tower
5th Floor

Morristown, NJ, 07960

United States

Telephone Number:

9082646551

Email:

mozanich@36thstreetcapital.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. **(Check only one Debtor per claim form.)**

- | | | |
|--|---|--|
| <input 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 checked="" 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

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Other than a claim under 11 U.S.C. § 503(b)(9), this form should not be used to make a claim for an administrative expense arising after the commencement of the case.

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.

Part 1: Identify the Claim

1. Who is the current creditor?	36th Street Capital Partners, LLC 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?	Where should notices to the creditor be sent? Reed Smith, C/O Alexis Leventhal Name 225 Fifth Avenue Number Street Pittsburgh PA 15222 City State ZIP Code USA Country Contact phone 412-288-3834 Contact email aleventhal@reedsmith.com	Where should payments to the creditor be sent? (if different) 36th Street Capital Partners, LLC, C/O Matthew Ozanich Name 161 Headquarters Plaza East Tower, 5th Floor Number Street Morristown NJ 07960 City State ZIP Code USA Country Contact phone 908-264-6551 Contact email mozanich@36thstreetcapital.com
	Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> 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?	<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? \$ See Addendum. 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 Addendum.

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 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. \$ _____

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:

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

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).

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).

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 4/01/25 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.

\$ _____

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 08/11/23
MM / DD / YYYY

/s/ Matthew Ozanich
Signature

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

Name Matthew Ozanich
First name Middle name Last name

Title Senior Vice President

Company 36th Street Capital Partners, LLC
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 161 Headquarters Plaza East Tower, 5th Floor
Number Street

Morristown NJ 07960
City State ZIP Code Country

Contact phone 908-264-6551 Email mozanich@36thstreetcapital.com

Instructions for Proof of Claim

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

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

PLEASE SEND COMPLETED PROOF(S) OF CLAIM TO:

Cytxera Technologies, Inc. Claims Processing Center
c/o KCC
222 N. Pacific Coast Hwy., Ste. 300
El Segundo, CA 90245

Alternatively, your claim can be filed electronically on KCC's website at <https://epoc.kccllc.net/cytxera>.

How to fill out this form

Fill in all of the information about the claim as of the date the case was filed.

Fill in the caption at the top of the form

If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.

Attach any supporting documents to this form. Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)

Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called "Bankruptcy Rule") 3001(c) and (d).

Do not attach original documents because attachments may be destroyed after scanning.

If the claim is based on delivery health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.

A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, individual's tax identification number, or financial account number, and only the year of any person's date of birth. See Bankruptcy Rule 9037.

For a minor child, fill in only the child's initials and the full name and address of the child's parent or guardian. For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form or you may view a list of filed claims in this case by visiting the Claims and Noticing and Agent's website at <http://www.kccllc.net/cytxera>

Understand the terms used in this form

Administrative expense: Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing that bankruptcy estate.
11 U.S.C. § 503

Claim: A creditor's right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Claim Pursuant to 11 U.S.C. §503(b)(9): A 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 the Debtor's business. Attach documentation supporting such claim.

Creditor: A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. §101 (10).

Debtor: A person, corporation, or other entity to who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. §101 (13).

Evidence of perfection: Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

Information that is entitled to privacy: A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

Priority claim: A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

Proof of claim: A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

Redaction of information: Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

Do not file these instructions with your form.

Secured claim under 11 U.S.C. §506(a): A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

Examples of liens on property include a mortgage on real estate a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In states, a court judgment may be a lien.

Setoff: Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

Uniform claim identifier: An optional 24-character identifier that some creditors use to facilitate electronic payment.

Unsecured claim: A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

ADDENDUM TO SECURED PROOF OF CLAIM

FILED BY

36TH STREET CAPITAL PARTNERS, LLC

AGAINST

CYXTERA DC HOLDINGS, INC., CYXTERA COMMUNICATIONS, LLC, CYXTERA TECHNOLOGIES, INC., AND AND CYXTERA COMMUNICATIONS CANADA, ULC

36th Street Capital Partners, LLC (“**Claimant**”) submits this addendum to its secured proof of claim (together with any and all documents and attachments submitted in connection herewith, this “**Claim**”) against debtors Cyxtera DC Holdings, Inc., Cyxtera Communications, LLC, Cyxtera Technologies, Inc, and Cyxtera Communications Canada, ULC. In support of its Claim, Claimant respectfully states as follows:

I. CLAIMANT

1. The Claimant is Claimant, (i) as Lessor¹ under that certain *Master Equipment Lease Agreement #32133* dated December 17, 2020 (including, without limitation, all exhibits, addenda, and schedules thereto and any documents referenced therein, the “**Master Lease**”),² with debtor-entities, jointly and severally, Cyxtera DC Holdings, Inc., Cyxtera Communications, LLC, and Cyxtera Technologies, Inc. (collectively, the “**Co-Lessees**” and each, a “**Co-Lessee**”); (ii) as Lessor under that certain *Equipment Schedule No. 07* dated August 4, 2022 (including all addenda thereto, “**Schedule No. 7**”); (iii) as Lessor under that certain *Equipment Schedule No. 08* dated September 28, 2022 (including all addenda thereto, “**Schedule No. 8**”) (each of the foregoing in

¹ Claimant is Lessor by assignment from Wingspire Equipment Finance LLC (“**Wingspire**”) f/k/a Liberty Commercial Finance LLC as, as further detailed below.

² Capitalized terms not defined in this Addendum shall have the meanings ascribed to such terms in the Lease Documents.

(ii) through (iii), a “**Schedule**” and collectively the “**Schedules**”); and (iv) and as successor to Liberty Commercial Finance LLC under that certain *Guaranty* dated September 6, 2022 (the “**Guaranty**” and, collectively with the Master Lease, the Schedules, and any Addenda thereto, the “**Lease Documents**”), with Cyxtera Communications Canada, Inc.³ (the “**Guarantor**”).

2. Claimant has offices at 161 Headquarters Plaza East Tower, 5th Floor, Morristown, NJ 07960.

3. Claimant is authorized to file this Claim pursuant to 11 U.S.C. § 501(a), Rule 3003(c)(1) of the Federal Rules of Bankruptcy Procedure, and paragraph 6 of the Bar Date Order (as defined below).

4. Matthew Ozanich, Senior Vice President, is authorized to make this Claim on behalf of Claimant.

II. BASIS FOR CLAIM

5. On June 4, 2023 (the “**Petition Date**”), Co-Lessees along with fifteen (15) affiliated entities (collectively, the “**Debtors**”), each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “**Bankruptcy Code**”). The Debtors’ chapter 11 bankruptcy cases (the “**Chapter 11 Cases**”) are being jointly administered in the United States Bankruptcy Court for the District of New Jersey (the “**Bankruptcy Court**”) under the bankruptcy case styled *Cyxtera Technologies, Inc., et al.*, Case No. 23-14853 (JKS).

6. On July 19, 2023, the Bankruptcy Court entered an *Order (I) Setting Bar Dates for Submitting Proofs of Claim, Including Requests for Payment Under Section 503(B)(9), (II) Establishing an Amended Schedules Bar Date and a Rejection Damages Bar Date*,

³ On information and belief, the Guarantor is debtor entity Cyxtera Communications Canada, ULC (Case No. 23-14856).

(III) Approving the Form, Manner, and Procedures for Filing Proofs of Claim, (IV) Approving Notice Thereof, and (V) Granting Related Relief[Doc. No. 298] (the “**Bar Date Order**”).

7. On or about August 23, 2022, Wingspire Equipment Finance LLC (“**Wingspire**”) f/k/a Liberty Commercial Finance LLC assigned the Lease Documents and monthly payments under the Schedule 7 to Claimant. On or about October 4, 2022, Wingspire assigned the Lease Documents and monthly payments under the Schedule 8 to Claimant. The equipment continues to be leased to and used by Co-Lessees.

III. AMOUNT OF CLAIM

8. Claimant asserts all claims and rights under applicable law or equity, whether such claims and rights are contingent, liquidated, unliquidated, matured, unmatured, known, unknown, or otherwise, that Claimant has or may hereafter have against the Lessee and its respective affiliates, successors and assigns, relating to or arising out of, among other things: (i) the Lease Documents; (ii) any and all documentation related to the Lease Documents, including, without limitation, all exhibits and schedules thereto and any documents referenced therein; (iii) any and all ancillary agreements related to the Lease Documents; (iv) the Financing Statements (as defined below); and (v) any applicable law or principals of equity.

9. As of the Petition Date, the Co-Lessees are liable to Claimant in an amount not less than **\$10,152,061.16**, which represents post-petition lease payments due under the Schedule No. 7 in the amount of \$6,708,916.00 and post-petition lease payments due under the Schedule No. 8 in the amount of \$3,443,145.16, plus any and all contingent, unliquidated amounts due under the Lease Documents.

10. In addition, the Co-Lessees are indebted to Claimant for (a) interest that continues to accrue after the Petition Date under the Lease Documents; (b) fees, charges, and other amounts

(including attorneys' fees and expenses) that continue to accrue after the Petition Date under the Lease Documents and applicable law; and (c) contingent and unliquidated amounts on account of the indemnification provisions of the Lease Documents and applicable law. Claimant reserves the right to amend this Claim to include any other amounts, fees, and expenses at any time hereafter, including interest at any applicable default rate, attorneys' fees, and any other costs or fees.

11. Pursuant to the Lease Documents, the Co-Lessees are obligated, among other things, to indemnify, defend, and hold harmless Claimant and its Lessor Assignees, on an after-tax basis, from and against any and all liabilities, causes of action, claims, suits, penalties, damages, losses, costs or expenses (including reasonable attorneys' fees and expenses), obligations, liabilities, demands and judgments, arising under, or arising in connection with, the Equipment or the Lease Documents. *See, e.g.*, Master Lease, Section 20. The Co-Lessees also have obligations under applicable law to indemnify or reimburse Claimant with respect to any loss, liability, or expense.

IV. SECURED NATURE OF CLAIM AND ENTITLEMENT TO ADMINISTRATIVE EXPENSE PRIORITY UNDER 11 U.S.C. § 503

12. The Claim is a fully secured claim, and approximately **\$10,152,061.16** of such amount is entitled to administrative priority status pursuant to 11 U.S.C. § 503(b).⁴

13. The payment and performance of the obligations of the Co-Lessees under the Lease Documents are secured by a security interest in "all of the Equipment subject to a Lease, including all parts, accessories, accessions and attachments thereto, and all replacements, substitutions and exchange, and all proceeds of the forgoing in any form or kind." *See* Master Lease, Section 25.

⁴ The Claim is fully secured as to debtors Cyxtera DC Holdings, Inc., Cyxtera Communications, LLC, and Cyxtera Technologies, Inc. The Claim is unsecured as to Cyxtera Communications Canada, ULC.

14. The foregoing security interests of Claimant are evidenced by that certain (i) *UCC-1 Financing Statement* filed on or about September 24, 2020; (ii) *UCC-1 Financing Statement* filed on or about November 19, 2020; (iii) *UCC-1 Financing Statement* filed on or about September 13, 2022; all of which were filed with the Secretary of State for the State of Delaware, Division of Corporations (collectively, the “**Financing Statements**”).

V. SUPPORTING DOCUMENTS

15. This Claim is based on the Lease Documents and the Financing Statements. The supporting documents are not annexed to this Claim because they are quite voluminous. Moreover, upon information and belief, the Debtors have copies of the Lease Documents and the Financing Statements.⁵

VI. CREDITS AND SETOFF

16. Claimant believes that it is entitled to apply the Rental Deposits in its possession and control in the total amount of \$200,392.65 against the total amount owed by the Lessee to Claimant. Claimant does not believe the Claim is subject to any additional setoffs, defenses, or counterclaims by the Co-Lessees or the Guarantor. To the extent, however, that the Co-Lessee or the Guarantor assert claims against Claimant, Claimant reserves the right to assert that any such claims are subject to rights of setoff or recoupment.

VII. RESERVATION OF RIGHTS

17. Claimant reserves the right, for any reason, to amend, modify, supplement, restate, or withdraw this Claim in any manner, including, without limitation, with respect to the amount, priority, or security of this Claim or the identity of the entities liable thereon. Claimant also

⁵ Upon the Debtors’ written request for copies of the Lease Documents and the Financing Statements, Claimant will provide copies of such documents to the Debtors’ counsel.

reserves the right to seek payment of any portion of this Claim under section 503(b) of the Bankruptcy Code or otherwise.

18. Nothing in this Claim shall be deemed a waiver of any rights or remedies that Claimant may have under the Lease Documents, the Financing Statements, any other documents, or applicable law, or the benefit of subordination of any other claims. All such rights and remedies are expressly reserved.

19. Claimant reserves all of its rights relating to any chapter 11 plan of reorganization or liquidation.

20. The filing of this Claim is not and shall not be deemed or construed as:

- (a) a waiver of Claimant's rights to file or otherwise assert any other claim against any of the Debtors, including an administrative claim under section 503 of the Bankruptcy Code;
- (b) a consent by Claimant to the jurisdiction of the Bankruptcy Court or any other court;
- (c) a consent by Claimant to a jury trial in the Bankruptcy Court;
- (d) a waiver or release of Claimant's rights to have any and all final Orders in any and all non-core matters or proceedings entered only after a *de novo* review by a United States District Court;
- (e) a waiver of any of Claimant's rights to move to withdraw the reference with respect to the subject matter of this Claim, any objection to this Claim, or any other proceeding that may be commenced in the Chapter 11 Cases against or otherwise involving Claimant; or
- (f) an election of remedies.

VIII. NOTICES

21. All notices with respect to this Claim should be sent to:

36TH STREET CAPITAL PARTNERS, LLC
Attn: Senior VP, Underwriting & Portfolio Management
15 Maple Avenue
Morristown, NJ 07960

With copies to:

REED SMITH LLP
Attn: Alexis A. Leventhal, Esq.
225 Fifth Avenue
Pittsburgh, PA 15222