

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

WESCO AIRCRAFT HOLDINGS, INC.)	Case No.: 23-90611 (DRJ)
)	Chapter 11
)	
Debtor.)	
)	
_____)	
ARROW ELECTRONICS, INC.)	
)	
)	
Plaintiff,)	Adversary No.:
)	
v.)	
)	
WESCO AIRCRAFT HOLDINGS, INC)	
)	
Defendant.)	
_____)	

COMPLAINT FOR

- 1) FRAUD; 2) CONVERSION; 3) UNJUST ENRICHMENT; 4) NEGLIGENT**
- MISREPRESENTATION; 5) CONSTRUCTIVE TRUST; and**
- 6) DECLARATORY RELIEF**

Plaintiff, ARROW ELECTRONICS, INC., ("Arrow") and its affiliated companies bring this adversary proceeding pursuant to Part VII of the Federal Rules of Bankruptcy



Procedure, Rule 7001 (1) and files this Complaint against Defendant WESCO AIRCRAFT HOLDINGS, INC and claims as follows:

PARTIES

1. Plaintiff, ARROW ELECTRONICS, INC., ("ARROW") is a New York Corporation with its principal place of business located at 9201 E. Dry Creek Road, Centennial, Colorado 80112.

2. Defendant, WESCO AIRCRAFT HOLDINGS, INC is a Texas Corporation with its principal place of business located at 2601 Meacham Blvd., Suite 400, Fort Worth Texas, 76137. In 2020, Pattonair and WESCO AIRCRAFT HOLDINGS, INC merged to become INCORA (hereafter referred to as "Wesco/Incora").

3. Plaintiff is ignorant of the true names and capacities, whether corporate, associate, individual or otherwise, of defendants sued herein as Does 1 to 10, inclusive, and Plaintiff therefore sue said Defendants by such fictitious names. Each of the Defendants designated herein as Doe is responsible in some manner for the events and happenings herein referred to, and proximately caused the injuries and damages to Plaintiff, in a manner hereinafter alleged. Plaintiff will ask leave of court to amend this Complaint to show their true names and capacities when the same have been ascertained.

JURISDICTION

4. The Court has jurisdiction of this adversary proceeding pursuant to 28 U.S.C. § 1334.

VENUE

5. Venue is proper pursuant to 28 U.S.C. § 1409(a) since this proceeding is related to the above referenced bankruptcy case , currently pending in the United States Bankruptcy Court for the Southern District of Texas.

FACTUAL ALLEGATIONS

6. On June 1, 2023, Defendant Wesco filed a voluntary petition for relief under chapter 11, thereby initiating bankruptcy Case Number 23-90611, in the United States Bankruptcy Court for the Southern District of Texas under the caption *In re Wesco Aircraft Holdings Inc.* ("Bankruptcy Case").

7. During the period of March through April 2023, on at least fourteen (14) separate occasions, prior to Wesco/Incora filing the Chapter 11 Bankruptcy petition, ARROW by mistake and inadvertently issued bank wire transfers to Wesco/Incora in the total amount of Six Hundred Eighty-Three Thousand Seven Hundred Twenty Dollars and Thirty - Three Cents (\$683,720.33). These accidental transfers occurred due to input errors by Arrow representatives, in which Arrow intended to schedule automatic wire transfers to a entity with a similar name of *Inrcore, LLC*, however due to an error the series of wire transfers were remitted to *Incora* instead.

8. On April 20, 2023, Arrow became aware of the mistaken payments when they received notice from Wesco/Incora via an email from David Alonso Ortega Bustillos, Wesco/Incora's Accounts Receivable Specialist to Arrow 's representative Daniela Lopez de Lara . In the email from Mr. Bustillos, he states "*Hello Daniela, I'm reaching*

you trying to get these payments Remittance information, we have received week after week large amounts on your account, which now sum as \$683K. I'm quite sure these payments are wrongly Issued. Maybe you looking to clear another account, if you able, could you please help provide any response to this matter, I'm having your statement attached for you to review all of these payments.” (See Exhibit “1” attached hereto).

9. On April 20, 2023, Katherine Porrazzo from Arrow, by email responded to Mr. Bustillos, and stated “*Hi David, Confirmed, Arrow issued \$683,720.33 to Incora-Wesco Aircraft in error. Can you please issue wire payment to Arrow in the amount of \$683,720.33 and provide confirmation once sent? The root issue has been resolved on Arrow's side & should not reoccur. Thanks!*” (See Exhibit “2” attached hereto).

10. On April 24, 2023, Mr. Bustillos of Wesco/Incora, responded by email and stated, “*Hello Katherine, I'm having my finance Team advised on this. Will be working to refund this \$683,720.33 back to your account via Wire payment. Please help provide your w-9, w-8. Ill push my team on this process. Keep you updated.”* Arrow submitted a executed W-9 the next date on April 25, 2023. (See Exhibit “3” attached hereto)

11. Thereafter, during the period of May 4, 2023 through June 14, 2023, Arrow representatives, via emails diligently requested status and updates on no further than 8 occasions, regarding the return of the funds. Each and every time, Wesco/Incora representatives assured Arrow that they were working to return the funds. (See Exhibit “4” attached hereto)

12. On June 16, 2023, once again Wesco/Incora representatives confirmed they were “working to expedite the return of funds”. (See Exhibit “5” attached hereto)

Further, on June 19, 2023, Francis Warne of Wesco/Incora sent an email to Katherine Porrazzo of Arrow stating that “*Our VP of Treasury has picked up the query and is dealing with it now.*”. Further, Francis Warne acknowledged the Chapter 11 Bankruptcy Filing. (See Exhibit “6” attached hereto).

13. As late as July 2023, Angel Gonzalez, Supervisor, Accounts Receivable at Wesco/Incora and David Ortega, Supervisor at Wesco/Incora, acknowledged and confirmed that Wesco/Incora received and has in their possession Arrow’s funds, which Wesco/Incora received via wire transfer in their bank account.

14. Arrow’s representatives were notified by Wesco/Incora Supervisors Mr. Gonzalez and Mr. Ortega that Wesco/Incora was proceeding with an approval process to return Arrow’s funds, which required the approval of Wesco/Incora ‘s Vice President of Finance.

15. On or about August 1, 2023, ARROW was notified by Mr. Gonzalez that Wesco/Incora ‘s Vice President of Finance, had abruptly changed it’s position, and decided that Wesco/Incora would not voluntarily return Arrow’s property and told Arrow’s representative to file a claim as a creditor in the pending bankruptcy.

16. Wesco/Incora has no legal right or interest to retain the funds which is the sole property of Arrow. Arrow is not a debtor of Wesco/Incora and has no duty to file a claim for the return of their funds which was received by Wesco/Incora by mistake and inadvertance. Wesco/Incora has knowingly and intentional retained Arrow’s funds, which they knew they have no right to and have refused and failed to return said funds to Arrow.

17. Wesco/Incora has asserted the position that any funds wired to Wesco/Incora's bank account by Arrow constitutes property of the Wesco's bankruptcy estate.

18. Based upon the indisputable emails between representatives of Wesco/Incora and representatives of Arrow, it is evident that Wesco/Incora identified that the mistaken payments were the property of Arrow months prior to filing the Bankruptcy Case. Wesco/Incora had a duty to return Arrow's funds as early as April 2023. Arrow representatives were reassured numerous times in April and May 2023, that the funds would be returned via wire transfer to Arrow's account and that they were working on it. (See Exhibits 1 through 6 attached hereto)

19. Wesco/Incora representatives made misrepresentations to Arrow, and took no action to return the funds to Arrow as promised in their emails, and failed to segregate the funds received in error and commingled Arrow's property with Wesco/Incora estate property prior to filing the Bankruptcy Case. Arrow's funds from the mistaken payments are not part of Wesco/Incora's estate to be included in the Bankruptcy Case. Further, Wesco/Incora mislead and misrepresented to this Bankruptcy Court in their bankruptcy schedules that Arrow's funds was the property of their bankruptcy estate.

20. As a direct result of Wesco/Incora's wrongful and unlawful conduct in, refusing and failing to return Arrow's property, as they represented and promised, after admitting they received the funds in error, ARROW has suffered irreparable harm and sustained damages in the sum of at least Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33) .

COUNT 1

FRAUD

21. Arrow incorporates by reference herein all of the allegations contained in the previous paragraphs of this Complaint as if fully set forth herein.

22. Wesco/Incora by and through their representatives/agents, including but not limited to, David Alonso Ortega Bustillos, Francis Warne, Angel Gonzalez and David Ortega ("representatives/agents") made false representations to Arrow in connection with the mistaken payments made in error to Wesco/Incora. Wesco/Incora by and through their representatives/agents represented, promised and agreed to return the payments made in error to Wesco/Incora numerous times in April and May 2023, as evident by the emails attached hereto as Exhibits 1 through 6, prior to Wesco/Incora filing the Bankruptcy Case. Further, in April and May 2023, Wesco/Incora representatives/agents admitted in the emails that the payments were made in error and therefore had a duty to use reasonable diligence to segregate the funds from the Bankruptcy estate property, not commingle Arrow's property with the Bankruptcy estate property and return the funds received in error to Arrow in April and May 2023, as represented and promised in their emails. (See Exhibits 1 through 6). Further, Wesco/Incora misled and misrepresented to this Bankruptcy Court in their bankruptcy schedules that Arrow's funds was the property of their bankruptcy estate.

23. These representations by Wesco/Incora by and through their representatives/agents were in fact false and untrue and made with the intent to induce and deceive Arrow to reasonably rely on and believe that the funds received in error would be returned in April or May 2023 and that the funds would be returned prior to the Bankruptcy Case being filed, and not be included in the Wesco/Incora's Bankruptcy estate property.

24. Further, these representations Wesco/Incora by and through their representatives/agents were in fact false and untrue and made with the intent to induce and deceive Arrow to forego taking any legal action to obtain return of the funds received in error by Wesco/Incora prior to the filing of the Bankruptcy Case.

25. The false representations by Wesco/Incora by and through their representatives/agents were made intentionally and knowingly.

26. The false representations by Wesco/Incora by and through their representatives/agents were intended to mislead and defraud Arrow. Wesco/Incora had no intention of ever returning the funds to Arrow and were made falsely and fraudulently with the intent to deceive and mislead Arrow.

27. Arrow at all times reasonably relied upon the false representations by Wesco/Incora, and believed that Wesco/Incora was going to return the funds received in error via wire transfer in April or May 2023.

28. Arrow at all times reasonably relied upon the false representations by Wesco/Incora and believed that the funds received in error would be segregated and not commingled and included in the Wesco/Incora's Bankruptcy estate property.

29. In justifiable reliance on said promises and representations by Wesco/Incora by and through their representatives/agents, Arrow did not proceed with any legal action to enforce their rights and interest in their property and obtain return of the funds received in error by Wesco/Incora prior to filing the Bankruptcy Case. If Arrow would have know the true intentions of Wesco/Incora, arrow would not have taken such action.

30. As further direct result of the above-said Wesco/Incora's wrongful and unlawful conduct in a manner described above, Arrow was required to, and did, employ attorneys for the purposes of representing them in the above-entitled action, and as a result thereof, will incur attorney fees and costs in amounts not now known, but which will be stated according to proof at the time of trial.

31. By the actions as alleged herein, Wesco/Incora has acted in conscious disregard of Arrow's rights and have acted with malice, fraud, and oppression and Arrow is therefore entitled to punitive and/or exemplary damages in an amount to be determined at the time of trial.

32. As a further direct result of the Wesco/Incora's wrongful and unlawful conduct in a manner as described above, Plaintiff is entitled to pretrial interest on all amounts due and owing at the legal rate per annum from April 20, 2023, to the date of trial.

33. As a result of the false representations by Wesco/Incora by and through their representatives/agents to Arrow, in refusing and failing to return Arrow's property, as they represented and promised, after admitting they received the funds in error, and commingling the funds received in error with the Bankruptcy estate, Arrow has suffered irreparable harm and sustained damages in the sum of at least Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33), or in amount according to proof at the time of trial .

WHEREFORE, Arrow hereby demands the entry of an order entering judgment in favor of Arrow and against Defendant, Wesco/Incora in the amount of Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33) plus interest, costs and attorney's fees for such other and further relief as

this Court deems just and equitable.

COUNT 2
CONVERSION

34. Arrow incorporates by reference herein all of the allegations contained in the previous paragraphs of this Complaint as if fully set forth herein.

35. Wesco/Incora has admitted they received payments made in error by Arrow and intentionally failed to return the funds they received in error as they represented and promised which is evident from the emails attached hereto as Exhibits 1 through 6 in April and May 2023. Wesco/Incora has also commingled the mistaken funds, that they admit they received in error, with the property that constitutes the Wesco/Incora bankruptcy estate.

36. Wesco/Incora have converted these funds which are the sole property of Arrow and have illegally retained these funds. Further, Wesco/Incora has commingled said funds with their bankruptcy estate and have unjustifiably asserted possession over said funds and have included the Arrow's funds in their estate in the Bankruptcy Case in the total amount of Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33) .

37. Arrow has duly demand that Wesco/Incora remit and return said funds which is the property of Arrow. Wesco/Incora has refused to remit said funds to Arrow and have knowingly and intentionally retained said funds thereby converting the funds they admitted receiving in error. (See Exhibits 1 through 6 attached hereto).

WHEREFORE, Arrow hereby demand the entry of an order entering judgment in favor of Arrow and against Wesco/Incora in the amount of Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33), plus interest, costs and attorney's fees for such other and further relief as this Court deems just and equitable.

COUNT 3

UNJUST ENRICHMENT

38. Arrow incorporates by reference herein all of the allegations contained in the previous paragraphs of this Complaint as if fully set forth herein.

39. By reason of the foregoing conduct and facts, Wesco/Incora have been unjustly enriched at the expense of Arrow and have caused irreparable harm to Arrow, by fraudulently representing to Arrow that the funds received in error would be returned in April or May 2023; by illegally retaining said funds, which Wesco/Incora admitted they received in error; by failing to segregate said funds from the bankruptcy estate; by commingling the funds received in error with the bankruptcy estate; by misleading and misrepresenting to this Bankruptcy Court in their bankruptcy schedules that Arrow's funds were the property of their bankruptcy estate; and by asserted possession over said funds and having the mistaken payments which is Arrow's sole property included in their estate in the Bankruptcy Case. Wesco/Incora has profited and enriched itself unjustly at the expense of Arrow.

WHEREFORE, Arrow hereby demands the entry of an order entering judgment in favor of Arrow and against Wesco/Incora in the amount of Six Hundred Eighty Three

Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33), plus interest, costs and attorney's fees for such other and further relief as this Court deems just and equitable.

COUNT 4

NEGLIGENT MISREPRESENTATION

40. Arrow incorporates by reference herein all of the allegations contained in the previous paragraphs of this Complaint as if fully set forth herein.

41. Wesco/Incora misrepresented to Arrow that they would return the funds they admitted they received in error from Arrow in April and May 2023 , in the amount of Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33), and that the funds received in error should be segregated as Arrow's property and not commingled with the estate property prior to filing the Bankruptcy Case, since they acknowledged and admitted that the funds from Arrow were received in error. Further, Wesco/Incora mislead and misrepresented to this Bankruptcy Court in their bankruptcy schedules that Arrow's funds was the property of their bankruptcy estate.

42. Wesco/Incora had no reasonable grounds to believe these representations were true, and Wesco/Incora intended for Arrow to rely on theses misrepresentations.

43. Arrow was justified in relying upon Wesco/Incora representations that they would return the funds received in error , which is evident from the emails attached hereto as Exhibit 1 through 6.

44. Wesco/Incora's misrepresentations have caused irreparable harm to Arrow,

by fraudulently representing to Arrow that the funds received in error would be returned in April or May 2023; by illegally retaining said funds, which Wesco/Incora admitted they received in error; and by commingling Arrow's property with the bankruptcy estate.

WHEREFORE, Arrow hereby demands the entry of an order entering judgment in favor of Arrow and against Wesco/Incora in the amount of Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33), plus interest, costs and attorney's fees for such other and further relief as this Court deems just and equitable.

COUNT 5

CONSTRUCTIVE TRUST

45. Arrow incorporates by reference herein all of the allegations contained in the previous paragraphs of this Complaint as if fully set forth herein.

46. Arrow is informed that Wesco/Incora have in their possession as part of their bankruptcy estate, Arrow's funds which Wesco/Incora has admitted they received in error prior to filing the Bankruptcy Case, and represented and promised to return to Arrow numerous times in April and May 2023 in the amount of Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33). (See Exhibits 1 through 6).

47. As set forth herein, the funds received in error by Wesco/Incora are the property of Arrow and Arrow is entitled to the return of their property. By reason of the manner in which Wesco/Incora has possessed Arrow's funds, Wesco/Incora are involuntary trustees holding said funds in constructive trust for Arrow, with the duty to

convey and transfer said funds in the amount of Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33) to Arrow forthwith.

COUNT 6

DECLARATORY RELIEF

48. Arrow incorporates by reference herein all of the allegations contained in the previous paragraphs of this Complaint as if fully set forth herein.

49. An actual controversy has arisen and now exists between Arrow, on the one hand and Wesco/Incora, on the other hand, concerning their respective rights, obligations and duties with respect to the funds received in error by Wesco/Incora. Wesco/Incora has: (1) failed and refused to return the mistaken payments and have admitted that they received the funds in error from Arrow, in the amount of Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33); (2) Wesco/Incora have illegally retained said funds received in error and have commingled Arrow's property with its Bankruptcy estate property and failed to segregate Arrow's property from the estate property prior to filing their Bankruptcy Case; and (3) as set forth herein, Wesco/Incora have made numerous false and fraudulent representations with regard to returning the funds received in error and it is undisputed that Wesco/Incora was aware that the funds are the property of Arrow, prior to filing the Bankruptcy Case, which is evident in the email attached hereto as Exhibits 1 through 6. Wesco/Incora have no legal right to retain and misappropriate the funds received in error and have alleged that the funds received in error constitute property

of Wesco/Incora bankruptcy estate. Further, Wesco/Incora mislead and misrepresented to this Bankruptcy Court in their bankruptcy schedules that Arrow's funds was the property of their bankruptcy estate. Wesco/Incora has, by their conduct created an actual and existing controversy and dispute.

50. As such, Wesco/Incora has by their conduct and actions created an actual and existing controversy and dispute, as to whether the funds received in error by Wesco/Incora is the property of Arrow and should be returned to Arrow or whether the fund received in error, is the property of Wesco/Incora's bankruptcy estate.

51. Arrow is entitled to a judicial determination of their rights, obligations, and duties regarding the funds received in error in the amount Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33); which is the subject of this action and a declaration including injunctive relief if necessary, as to the party's positions with respect to the Arrow's funds received in error by Wesco/Incora.

52. By reason of the foregoing, such a declaration, including injunctive relief is necessary and appropriate at this time in order that Arrow may ascertain their rights to their property and Arrow is entitled to the return of the funds received in error in the amount of Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33), to relieve the grievous burden imposed by the current unsettled state of affairs.

WHEREFORE, Arrow prays for judgment against the Wesco/Incora and each of them, as follows:

ON THE FIRST CAUSE OF ACTION:

1. For entry of an order entering judgment in favor of Arrow and against Defendant, Wesco/Incora in the amount of at least Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33), or in amount according proof at the time of trial:

2. For punitive and exemplary damages;

ON THE SECOND, THIRD AND FOURTH CAUSES OF ACTION:

3. For entry of an order entering judgment in favor of Arrow and against Defendant, Wesco/Incora in the amount of at least Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars (\$683,720.33), or in amount according proof at the time of trial:

ON THE FIFTH CAUSE OF ACTION

4. For imposition of a constructive trust in the Arrow's property (funds) in the amount of at least Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars (\$683,720.33) For an order that the funds received in error by Wesco/Incora are the property of Arrow and Arrow is entitled to the return of their property. By reason of the manner in which Wesco/Incora has possessed Arrow's funds, Wesco/Incora are involuntary trustees holding said funds in constructive trust for Arrow, and shall convey and transfer said funds in the amount of Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33) to Arrow forthwith.

ON THE SIXTH CAUSE OF ACTION

5. For a Declaration that Arrow is entitled to the return of the funds received in

error by Wesco/Incora in the amount of Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33);

6. For a Declaration that funds received in error in the amount of Six Hundred Eighty Three Thousand Seven Hundred Twenty Dollars and Thirty Three Cents (\$683,720.33), are the property of Arrow and not the property of the Wesco/Incora's bankruptcy estate .

7. For declaratory and injunctive relief as request herein;

ON ALL CAUSES OF ACTION

8. For attorney fees and cost incurred herein;

9. For pretrial interest at the legal rate of interest per annum on all damages awarded to Plaintiffs from April 20, 2023, to the date of trial;

10. For costs of suit incurred herein; and

11. For such other and further relief as the Court may deem just and proper.

Respectfully Submitted,

Dated: October 10, 2023

GALEN & DAVIS LLP

By: Jeffrey M. Galen

Jeffrey M. Galen, Esq.
GALEN & DAVIS LLP
2945 Townsgate Road, Suite 200
Westlake Village, CA 91361
818-986-5685 Telephone
818-986-1859 Facsimile
Attorneys for Plaintiff,
Arrow Electronics, Inc.

EXHIBIT 1

From: David Alonso Ortega Bustillos <david.ortega@incora.com>

Sent: Thursday, April 20, 2023 2:12 PM

To: Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>

Cc: Angel Gonzalez Chacon <Angel.Gonzalez@wescoair.com>

Subject: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

Importance: High

CAUTION: This email originated from outside of the organization. This message might not be safe, use caution in opening it. If in doubt, do not open the attachment nor links in the message.

Hello Daniela,

Im reaching you trying to get these payments Remittance information,
We have received week after week large amounts on your account, which now sum as \$683k.

Im quite sure these payments are wrongly Issued, Maybe you looking to clear another account,
If you able, could you please help provide any response to this matter.

Im having your statement attached for you to review all of these payments.

Doc Co	Customer Number	Sold To Name	Invoice Date	Due Date	Reference	Docum Number
00100	668630	Arrow Electronics Inc dba Verical	3/31/2023	3/31/2023		
00100	668630	Arrow Electronics Inc dba Verical	3/31/2023	3/31/2023		
00100	668630	Arrow Electronics Inc dba Verical	3/31/2023	3/31/2023		
00100	668630	Arrow Electronics Inc dba Verical	3/31/2023	3/31/2023		
00100	668630	Arrow Electronics Inc dba Verical	3/31/2023	3/31/2023		
00100	668630	Arrow Electronics Inc dba Verical	3/31/2023	3/31/2023		
00100	668630	Arrow Electronics Inc dba Verical	3/31/2023	3/31/2023		
00100	668630	Arrow Electronics Inc dba Verical	3/31/2023	3/31/2023		
00100	668630	Arrow Electronics Inc dba Verical	3/31/2023	3/31/2023		
00100	668630	Arrow Electronics Inc dba Verical	3/31/2023	3/31/2023		
00100	668630	Arrow Electronics Inc dba Verical	8/3/2022	9/17/2022	PO5654338	21
00100	668630	Arrow Electronics Inc dba Verical	8/5/2022	9/19/2022	PO5656941	21
00100	668630	Arrow Electronics Inc dba Verical	9/15/2022	10/30/2022	PO5727793	21
00100	668630	Arrow Electronics Inc dba Verical	9/16/2022	10/31/2022	PO5744154	21
00100	668630	Arrow Electronics Inc dba Verical	1/12/2023	2/26/2023	PO5828858	21
00100	668630	Arrow Electronics Inc dba Verical	3/22/2023	5/6/2023	PO6006687	22
00100	668630	Arrow Electronics Inc dba Verical	3/23/2023	5/7/2023	PO5952797	22
00100	668630	Arrow Electronics Inc dba Verical	9/13/2022	9/13/2022	PO5609834	
00100	668630	Arrow Electronics Inc dba Verical	2/17/2023	2/17/2023	PO5807643	
00100	668630	Arrow Electronics Inc dba Verical	4/4/2023	4/4/2023	NEED REMITTANCE JPM	
00100	668630	Arrow Electronics Inc dba Verical	4/10/2023	4/10/2023	NEED REMITTANCE	
00100	668630	Arrow Electronics Inc dba Verical	4/11/2023	4/11/2023	NEED REMITTANCE JPM	

Let me know If we can arrange a call today to find a solution on this,
Thanks!

David Ortega

Accounts Receivable Specialist I | david.ortega@wescoair.com
Incora | Plaza Platinum 614 | Chihuahua, Chihuahua | incora.com

incora™



*** For quote requests please send an email to ondemand@incora.com ***

Pattonair and Wesco Aircraft are now branded as Incora™. Visit incora.com to learn more.

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EXHIBIT 2

From: Katherine Porrazzo <kporrazzo@arrow.com>

Sent: Thursday, April 20, 2023 4:23 PM

To: Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>; David Alonso Ortega Bustillos <david.ortega@incora.com>

Cc: Ruth Phillips eu <Ruth.Phillips@verical.com>

Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

CAUTION: This email originated outside of Incora. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Hi David

Confirmed, Arrow issued \$683,720.33 to Incora – Wesco Aircraft in error. Can you please issue wire payment to Arrow in the amount of \$683,720.33 and provide confirmation once sent? The root issue has been resolved on Arrow's side & should not reoccur.

Thanks!

Katie



Katherine Porrazzo
Accounting/Finance Manager
T: +1 303-704-4825
E: kporrazzo@arrow.com
Arrow Electronics | arrow.com

From: Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>

Sent: Thursday, April 20, 2023 4:12 PM

To: Katherine Porrazzo <kporrazzo@arrow.com>

Subject: FW: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

Importance: High

Hi Kathy,

As discussed,. Just FYI

Thanks

Daniela

EXHIBIT 3

From: David Alonso Ortega Bustillos <david.ortega@incora.com>

Sent: Monday, April 24, 2023 7:20 AM

To: Katherine Porrazzo <kporrazzo@arrow.com>; Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>

Cc: Ruth Phillips eu <Ruth.Phillips@verical.com>

Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

CAUTION: This email originated from outside of the organization. This message might not be safe, use caution in opening it. If in doubt, do not open the attachment nor links in the message.

Hello Katherine,

Im having my finance Team advised on this.

Will be working to refund this \$683,720.33 back to your account via Wire payment.

Please help provide your w-9, w-8. Ill push my team on this process

Keep you updated,

Regards,

David Ortega

Accounts Receivable Specialist I | david.ortega@wescoair.com

Incora | Plaza Platinum 614 | Chihuahua, Chihuahua | incora.com

incora[™]



*** For quote requests please send an email to ondemand@incora.com ***

Pattonair and Wesco Aircraft are now branded as Incora[™]. Visit incora.com to learn more.

Please be aware our certified domains are: "@incora.com" / "@wescoair.com" / "@pattonair.com" only, if contacted by a different person or domain please review with your Sales Representative.

All goods and services are sold in accordance with our terms and conditions, copies of which are available on our website at <https://www.incora.com/terms-conditions>



Thanks David~



Katherine Porrazo
Accounting/Finance Manager
T: +1 303-704-4825
E: kporrazo@arrow.com
Arrow Electronics | arrow.com

From: David Alonso Ortega Bustillos <david.ortega@incora.com>
Sent: Tuesday, April 25, 2023 12:45 PM
To: Katherine Porrazo <kporrazo@arrow.com>; Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>
Cc: Ruth Phillips eu <Ruth.Phillips@verical.com>
Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

CAUTION: This email originated from outside of the organization. This message might not be safe, use caution in opening it. If in doubt, do not open the attachment nor links in the message.

Thank you Katherine!
Im sending it over to my team,
Ill push on this and keep you updated.

Regards,

David Ortega

Accounts Receivable Specialist I | david.ortega@wescoair.com
Incora | Plaza Platinum 614 | Chihuahua, Chihuahua | incora.com



*** For quote requests please send an email to ondemand@incora.com ***

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All goods and services are sold in accordance with our terms and conditions, copies of which are available on our website at <https://www.incora.com/terms-conditions>

From: Katherine Porrazo <kporrazo@arrow.com>
Sent: Tuesday, April 25, 2023 12:42 PM
To: David Alonso Ortega Bustillos <david.ortega@incora.com>; Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>
Cc: Ruth Phillips eu <Ruth.Phillips@verical.com>
Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

Hi David,

Please see attached for the W-9

EXHIBIT 4



*** For quote requests please send an email to ondemand@incora.com ***

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All goods and services are sold in accordance with our terms and conditions, copies of which are available on our website at <https://www.incora.com/terms-conditions>

From: Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>
Sent: Monday, May 8, 2023 10:47 AM
To: Katherine Porrazzo <kporrazzo@arrow.com>; David Alonso Ortega Bustillos <david.ortega@incora.com>
Cc: Ruth Phillips eu <Ruth.Phillips@verical.com>
Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

Hi David — I hope you had a great weekend!

Do you happen to have any update for Katherine by any chance? Let me know if there is anything I can help you with.

Many thanks.

Daniela Lopez de Lara
Inventory Development Specialist
+52 33 4170 0161
www.verical.com



From: Katherine Porrazzo <kporrazzo@arrow.com>
Sent: Thursday, May 4, 2023 10:54 AM
To: David Alonso Ortega Bustillos <david.ortega@incora.com>; Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>
Cc: Ruth Phillips eu <Ruth.Phillips@verical.com>
Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

Hi David,

Can you please provide me with the wire confirmation for this refund to Arrow?

Thanks!
Katie



Katherine Porrazzo
Accounting/Finance Manager
T: +1 303-704-4825
E: kporrazzo@arrow.com
Arrow Electronics | arrow.com

From: Katherine Porrazzo <kporrazzo@arrow.com>
Sent: Tuesday, April 25, 2023 1:03 PM
To: David Alonso Ortega Bustillos <david.ortega@incora.com>; Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>
Cc: Ruth Phillips eu <Ruth.Phillips@verical.com>
Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

| **Arrow Electronics** | arrow.com

From: Katherine Porrazzo <kporrazzo@arrow.com>
Sent: Tuesday, May 23, 2023 1:44 PM
To: David Alonso Ortega Bustillos <david.ortega@incora.com>; Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>
Cc: Ruth Phillips eu <Ruth.Phillips@verical.com>
Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

Hi David,

Can you please assist in providing the wire refund confirmation?

Thanks!
Katie



Katherine Porrazzo
Accounting/Finance Manager
T: +1 303-704-4825
E: kporrazzo@arrow.com
Arrow Electronics | arrow.com

From: David Alonso Ortega Bustillos <david.ortega@incora.com>
Sent: Monday, May 8, 2023 12:57 PM
To: Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>; Katherine Porrazzo <kporrazzo@arrow.com>
Cc: Ruth Phillips eu <Ruth.Phillips@verical.com>
Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

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Hello Daniela,
Sorry for taking this long to reply on Katherine,
Im still pushing my team to have this payment refunded, this been reviewing by supervisors as it need high financial approvals as this is a large amount refunding.

Just sent another reminder on this,
Ill have another update for you and your team on this tomorrow morning

Thanks in advance,
Best regards,

David Ortega

Accounts Receivable Specialist I | david.ortega@wescoair.com
Incora | Plaza Platinum 614 | Chihuahua, Chihuahua | incora.com

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From: Ruth Phillips eu <ruth.phillips@verical.com>
Sent: Wednesday, May 31, 2023 11:50 AM
To: Francis Warne <francis.warne@incora.com>
Cc: Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>; Katherine Porrazzo <kporrazzo@arrow.com>; David Alonso Ortega Bustillos <david.ortega@incora.com>
Subject: Re: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

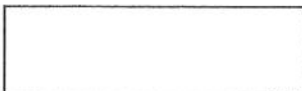
@Francis – Thanks for the time on the phone. As discussed, could you please help to get this one resolved?

Your support is greatly appreciated.

Many thanks,
Ruth

Ruth A. Phillips
Manager, Inventory Development

+44 (0)7515 286259
www.verical.com



From: Katherine Porrazzo <kporrazzo@arrow.com>
Date: Tuesday, 30 May 2023 at 23:31
To: David Alonso Ortega Bustillos <david.ortega@incora.com>, "Daniela Lopez de Lara (Verical)" <Daniela.Lopez@verical.com>
Cc: Ruth Phillips eu <Ruth.Phillips@verical.com>
Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

Hi David,

I have not received a response regarding this matter, can you please provide an update with priority?

Thanks!
Katie



Katherine Porrazzo
Accounting/Finance Manager
T: +1 303-704-4825
E: kporrazzo@arrow.com

Thanks
Fran

Francis Warne

VP, Strategic Pricing | francis.warne@incora.com | +44 (0) 7714 793 139
Incora | Unit 1 - Moor Park | 54 Leeds Road | Mirfield, WF14 0DE |



From: Katherine Porrazzo <kporrazzo@arrow.com>
Sent: Wednesday, June 7, 2023 11:16 PM
To: Francis Warne <francis.warne@incora.com>; Ruth Phillips eu <Ruth.Phillips@verical.com>
Cc: Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>; David Alonso Ortega Bustillos <david.ortega@incora.com>
Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

Hi Francis,

Can you please advise if you have a follow-up regarding this matter?

Thanks!
Katie



Katherine Porrazzo
Accounting/Finance Manager
T: +1 303-704-4825
E: kporrazzo@arrow.com
Arrow Electronics | arrow.com

From: Francis Warne <francis.warne@incora.com>
Sent: Wednesday, May 31, 2023 5:32 AM
To: Ruth Phillips eu <ruth.phillips@verical.com>; Francis Warne <francis.warne@incora.com>
Cc: Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>; Katherine Porrazzo <kporrazzo@arrow.com>; David Alonso Ortega Bustillos <david.ortega@incora.com>
Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

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Good morning Ruth,

I'll make some enquiries this afternoon and get back to you shortly

Thanks,
Fran

Francis Warne

VP, Strategic Pricing | francis.warne@incora.com | +44 (0) 7714 793 139
Incora | Unit 1 - Moor Park | 54 Leeds Road | Mirfield, WF14 0DE |

From: Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>
Sent: Wednesday, June 14, 2023 10:40 PM
To: Katherine Porrazzo <kporrazzo@arrow.com>; Francis Warne <francis.warne@incora.com>; Ruth Phillips eu <Ruth.Phillips@verical.com>
Cc: David Alonso Ortega Bustillos <david.ortega@incora.com>
Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

Hi Fran — Just following up on the below.

May I please ask the status of this payment return? I'm trying to coordinate with my Accounting department the reconciliation of our account with Incora but we firstly need to have this resolved.

Please let us know as soon as possible to avoid any credit hold with past due invoices not paid.

Appreciate your help.

Daniela Lopez de Lara
Inventory Development Specialist
+52 33 4170 0161
www.verical.com



From: Katherine Porrazzo <kporrazzo@arrow.com>
Sent: Thursday, June 8, 2023 11:10 AM
To: Francis Warne <francis.warne@incora.com>; Ruth Phillips eu <Ruth.Phillips@verical.com>
Cc: Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>; David Alonso Ortega Bustillos <david.ortega@incora.com>
Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

Hi Fran,

Thank you for the follow-up, I look forward to your advisement & payment confirmation.

Thanks again!
Katie



Katherine Porrazzo
Accounting/Finance Manager
T: +1 303-704-4825
E: kporrazzo@arrow.com
Arrow Electronics | arrow.com

From: Francis Warne <francis.warne@incora.com>
Sent: Thursday, June 8, 2023 2:03 AM
To: Katherine Porrazzo <kporrazzo@arrow.com>; Francis Warne <francis.warne@incora.com>; Ruth Phillips eu <Ruth.Phillips@verical.com>
Cc: Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>; David Alonso Ortega Bustillos <david.ortega@incora.com>
Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

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Hi Katherine

Apologies for the delay I have been out of office recently. I will follow up with our finance team and advise

EXHIBIT 5

From: Katherine Porrazzo <kporrazzo@arrow.com>
Sent: Friday, June 16, 2023 4:18 PM

To: Francis Warne <francis.warne@incora.com>; Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>; Ruth Phillips eu <Ruth.Phillips@verical.com>

Cc: David Alonso Ortega Bustillos <david.ortega@incora.com>

Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

Hi Fran,

Thank you for the follow-up. This request to have funds returned to Arrow has been outstanding for almost 2 months, can you please confirm that these funds will be sent to Arrow no later than Monday 6/19/23?

Thanks again!

Katie



Katherine Porrazzo
Accounting/Finance Manager
T: +1 303-704-4825
E: kporrazzo@arrow.com
Arrow Electronics | arrow.com

From: Francis Warne <francis.warne@incora.com>

Sent: Friday, June 16, 2023 7:46 AM

To: Daniela Lopez de Lara (Verical) <Daniela.Lopez@verical.com>; Katherine Porrazzo <kporrazzo@arrow.com>; Francis Warne <francis.warne@incora.com>; Ruth Phillips eu <Ruth.Phillips@verical.com>

Cc: David Alonso Ortega Bustillos <david.ortega@incora.com>

Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

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Good morning Daniela,

Apologies again for the delay, we have quite a few queries that the finance team are working though at the moment. Both David and I are working to expedite the return of the funds, it's just more complicated than normal at the moment. We'll try to get this resolved in the next few days

Thanks,
Fran

Francis Warne

VP, Strategic Pricing | francis.warne@incora.com | +44 (0) 7714 793 139

Incora | Unit 1 - Moor Park | 54 Leeds Road | Mirfield, WF14 0DE |

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EXHIBIT 6

From: Francis warne <francis.warne@incora.com>

Date: Monday, 19 June 2023 at 09:45

Case 24-03010 Document 1 Filed in TXSB on 01/23/24 Page 35 of 36

To: Katherine Porrazzo <kporrazzo@arrow.com>, Francis Warne <francis.warne@incora.com>, "Daniela Lopez de Lara (Verical)" <Daniela.Lopez@verical.com>, Ruth Phillips eu <Ruth.Phillips@verical.com>

Cc: David Alonso Ortega Bustillos <david.ortega@incora.com>

Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

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Hi Katherine,

Our VP of Treasury has picked up the query and is dealing with it now. Due to the processed we are forced to work with at the moment I think it is unlikely we will have clearance to release today but I expect to be able to confirm the next steps later today.

Thanks,
Fran

Francis Warne

VP, Strategic Pricing | francis.warne@incora.com | +44 (0) 7714 793 139

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Date: Monday, 19 June 2023 at 12:07

To: Ruth Phillips eu <ruth.phillips@verical.com>

Subject: RE: [External] ** Arrow Electronics Inc dba Verical / REMITTANCE REQUEST \$683,720.33**

CAUTION: This email originated from outside of the organization. This message might not be safe, use caution in opening it. If in doubt, do not open the attachment nor links in the message.

Hi Ruth

Sorry to hear that, get well soon!!

I'm not sure if you're aware but Incora entered the Chapter 11 bankruptcy process a few weeks ago. The company is not going to liquidate or disappear but it does mean that our finances are currently under management of the US courts and so releasing such funds is not as easy as it normally would be.

As I mentioned, the VP responsible is involved now and I'll keep an eye on it to make sure this is corrected as quickly as we can.

Thanks,
Fran

Francis Warne

VP, Strategic Pricing | francis.warne@incora.com | +44 (0) 7714 793 139

incora | Unit 1 - Moor Park | 54 Leeds Road | Mirfield, WF14 0DE |

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