

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

Debtor Pareteum Corporation

United States Bankruptcy Court for the: Southern District of New York  
(State)

Case number 22-10615

**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><b>1. Who is the current creditor?</b></p>	<p><u>Denis Edward McCarthy</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><b>2. Has this claim been acquired from someone else?</b></p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. From whom? _____</p>	
<p><b>3. Where should notices and payments to the creditor be sent?</b></p> <p>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</p>	<p><b>Where should notices to the creditor be sent?</b></p> <p><u>Denis Edward McCarthy</u> <u>Michael A. Sabella, Esq.</u> <u>Baker Hostetler LLP</u> <u>45 Rockefeller Plaza</u> <u>New York, NY 10111</u></p> <p>Contact phone <u>212-589-4625</u></p> <p>Contact email <u>msabella@bakerlaw.com</u></p>	<p><b>Where should payments to the creditor be sent? (if different)</b></p> <p>Contact phone _____</p> <p>Contact email _____</p> <p>Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____</p>
<p><b>4. Does this claim amend one already filed?</b></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><b>5. Do you know if anyone else has filed a proof of claim for this claim?</b></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? \$ Undefined. 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.  
Legal and other expenses regarding indemnification of officer

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)?

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:

	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 08/22/2022  
MM / DD / YYYY

/s/Denis Edward McCarthy  
Signature

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

Name Denis Edward McCarthy  
First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_

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



# KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (888) 201-2205 | International (310) 751-1839

<b>Debtor:</b> 22-10615 - Pareteum Corporation		
<b>District:</b> Southern District of New York, New York Division		
<b>Creditor:</b> Denis Edward McCarthy Michael A. Sabella, Esq. Baker Hostetler LLP 45 Rockefeller Plaza New York, NY, 10111  <b>Phone:</b> 212-589-4625 <b>Phone 2:</b>  <b>Fax:</b>  <b>Email:</b> msabella@bakerlaw.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> Creditor	
<b>Other Names Used with Debtor:</b>	<b>Amends Claim:</b> No <b>Acquired Claim:</b> No	
<b>Basis of Claim:</b> Legal and other expenses regarding indemnification of officer	<b>Last 4 Digits:</b> No	<b>Uniform Claim Identifier:</b>
<b>Total Amount of Claim:</b> Undefined	<b>Includes Interest or Charges:</b> None	
<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> No <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> Denis Edward McCarthy on 22-Aug-2022 1:17:33 p.m. Eastern Time <b>Title:</b> <b>Company:</b>		

United States Bankruptcy Court for the Southern District of New York

Indicate Debtor against which you assert a claim by checking the appropriate box below. **(Check only one Debtor per claim form.)**

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Pareteum Corporation (Case No. 22-10615) | <input type="checkbox"/> iPass, Inc. (Case No. 22-10618)          | <input type="checkbox"/> Artilium Group Ltd. (Case No. 22-10621)     |
| <input type="checkbox"/> Pareteum North America Corp. (Case No. 22-10616)    | <input type="checkbox"/> IPass IP LLC (Case No. 22-10619)         | <input type="checkbox"/> Pareteum Asia Pte. Ltd. (Case No. 22-10622) |
| <input type="checkbox"/> Devicescape Holdings, Inc. (Case No. 22-10617)      | <input type="checkbox"/> Pareteum Europe B.V. (Case No. 22-10620) | <input type="checkbox"/> Pareteum N.V. (Case No. 22-10623)           |

## 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?	Denis Edward McCarthy 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)	Where should notices to the creditor be sent?  Michael Sabella Name 45 Rockefeller Plaza Number Street New York NY 10111 City State ZIP Code  Country Contact phone (212) 589-4625 Contact email msabella@bakerlaw.com	Where should payments to the creditor be sent? (if different)  Name  Number Street  City State ZIP Code  Country Contact phone _____ Contact email _____  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 _____ <div style="text-align: right; font-size: small;">MM / DD / YYYY</div>	
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? \$ Undefined 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.  
Legal and other expenses regarding indemnification of officer (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:** \_\_\_\_\_  
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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:

	Amount entitled to priority
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<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).	\$ _____
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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.

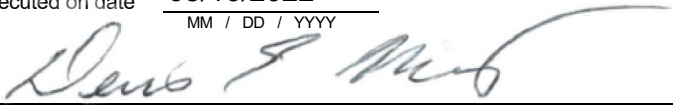
I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

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 08/16/2022  
MM / DD / YYYY

  
\_\_\_\_\_  
Signature

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

Name	<u>Denis</u>	<u>Edward</u>	<u>McCarthy</u>
	First name	Middle name	Last name
Title	_____		
Company	_____		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	<u>17 Boyd Ct.</u>		
	Number	Street	
	<u>Pleasant Hill</u>	<u>CA</u>	<u>94523</u>
	City	State	ZIP Code
	<u>(925) 787 - 6518</u>		<u>U.S.A.</u>
Contact phone		Email	<u>denis.mccarthy14@gmail.com</u>

**In re Pareteum Corporation, Case No. 22-10615**

**Attachment A to Proof of Claim of Denis McCarthy**

Item 7. How much is the claim?

The total amount of the Claim (as defined below) is undetermined at this time. The claim is for costs and expenses incurred in defense against certain litigations and actions relating to Creditor's (defined herein) role with the Debtor (defined herein).

Item 8. What is the basis of the claim?

On May 15, 2022 (the "Petition Date"), Pareteum Corporation ("Debtor") filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court"). Prior to the Petition Date, Denis McCarthy ("Creditor") served as a Senior Vice President of Corporate Development, President, and Chief Operating Officer for Debtor. In such capacities, Creditor was covered by one or more of Debtor's insurance policies (collectively, the "Insurance Policies").

Creditor hereby asserts against the Debtor the following claim:

An unsecured, unliquidated claim in an undetermined amount, comprised of any and all claims that may arise for indemnification, contribution, reimbursement, subrogation, rescission, breach of contract, fraud, specific performance or misrepresentation relating to or arising from the terms of any and all written and oral contracts and agreements between Creditor and Debtor (collectively, including but not limited to, the Insurance Policies, the "Agreements"), and/or Creditor's rights under any of Debtor's organizational documents, including but not limited to, any limited liability company agreements, any original, amended, or restated certificates of formation or incorporation, bylaws and applicable state or other law, including but not limited to, Delaware Code Ann. Tit. 8, section 145, and similar or other provisions of Delaware, or any other applicable state's law, and any other applicable agreements or instruments, arising by contract or as matter of law or equity, based upon or relating to Creditor's relationship with Debtor. To the extent that the Insurance Policy may constitute property of Debtor's estate, which Creditor does not concede, Creditor is also entitled to indemnification as an insured person covered under such policy. Further:

1. In his roles for the Debtor as noted herein, Creditor is the beneficiary of one or more liability insurance policies held by Debtor, including, but not limited to, the following insurance policies (collectively, the "Policies"):

<b>Insurer and Policy No.</b>
Argonaut Insurance Company Policy No. ML 7602071-2 (the "Argonaut Policy")
XL Specialty Insurance Company Policy No. ELU162673-19 (the "XL Specialty Policy")
Wesco Insurance Company



Policy No. EUW1522653 01 (the “Wesco Policy”)
North River Insurance Company Policy No. 577-100419-2 (the “Crum & Forster Policy”)
XL Insurance Company Policy No. ELU162674-19 (the “Side A Policy”)

2. Any rights, claims and/or remedies Creditor may have, including but not limited to, claims for indemnification, contribution, rescission, breach of contract, fraud, specific performance, misrepresentation and/or subrogation, related to, arising from or on account of any and all past, present or future litigations in which Debtor and/or its respective subsidiaries, affiliates, etc. is or may become a party in interest (whether named or unnamed) and any claims asserted in connection therewith.

**Documents.**

Debtor has copies of all documents supporting this Proof of Claim, including without limitation, the Policies, contracts and/or agreements, and any organizational documents, including but not limited to, limited liability company agreements, certificates of formation or incorporation and any by-laws. Additional copies or copies of any other relevant materials may be provided upon request.

**Reservation of Rights.**

Creditor reserves the right to amend and/or supplement this proof of claim at any time and in any manner, and to file additional proofs of claim for additional claims which may be based on the respective rights and obligations arising under the documents described above, the relationship described herein or the same events and circumstances described herein. In addition, Creditor reserves the right to attach or bring forth additional documents supporting its claims and additional documents that may become available after further investigation and discovery. Creditor further reserves the right to file claims or requests for administrative expenses, other claims entitled to priority, proofs of interest and proofs of claim against other parties, including but not limited to affiliated debtors, if any.

Creditor is continuing to investigate the elements of his Claim and the filing of this proof of claim shall not constitute: (a) a waiver or release of the rights of Creditor against Debtor or any other person or property; (b) a waiver of the right of Creditor to contest the jurisdiction of the Bankruptcy Court with respect to the subject matter of the claims set forth herein, any objection or other proceeding commenced with respect thereto or any other proceeding commenced in this case against or otherwise involving Creditor; (c) an election of remedies or choice of law; or (d) a waiver of Creditor’s right to a jury trial in connection with the matters raised in his Claim or other matters between the Creditor and the Debtor.

The filing of Creditor’s Claim shall not constitute, or be construed as, Creditor’s consent to the entry of final orders and judgment by the Bankruptcy Court.