

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

Debtor Plastiq Inc.

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

Case number 23-10671

Official Form 410  
**Proof of Claim**

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

**Part 1: Identify the Claim**

1. **Who is the current creditor?** Latham and Watkins LLP  
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?**  No  
 Yes. From whom? \_\_\_\_\_

3. **Where should notices and payments to the creditor be sent?**

Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
See summary page	Latham and Watkins LLP P.O. Box 7247-8181 Philadelphia, PA 19170-8181, USA

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Contact phone 213-891-7698 Contact phone \_\_\_\_\_  
Contact email helena.tseregounis@lw.com Contact email \_\_\_\_\_

Uniform claim identifier for electronic payments in chapter 13 (if you use one):  
\_\_\_\_\_

4. **Does this claim amend one already filed?**  No  
 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?**  No  
 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? \$ 353,142.79. 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: Fee advance, see addendum  
**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:** \$ See addendum  
**Amount of the claim that is unsecured:** \$ See addendum (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: Fee advance, see addendum



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 07/26/2023  
MM / DD / YYYY

/s/Helena Tseregounis  
Signature

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

Name Helena Tseregounis  
First name Middle name Last name

Title Partner

Company Latham and Watkins LLP  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_

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



# KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (877) 634-7180 | International 001-310-823-9000

<b>Debtor:</b> 23-10671 - PlastiQ Inc. <b>District:</b> District of Delaware		
<b>Creditor:</b> Latham and Watkins LLP Helena Tseregounis 355 South Grand Avenue Suite 100 Los Angeles, California, 90071-1560 United States <b>Phone:</b> 213-891-7698 <b>Phone 2:</b>  <b>Fax:</b>  <b>Email:</b> helena.tseregounis@lw.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 Authorized agent	
<b>Disbursement/Notice Parties:</b> Latham and Watkins LLP P.O. Box 7247-8181 Philadelphia, PA, 19170-8181 USA <b>Phone:</b> <b>Phone 2:</b> <b>Fax:</b> <b>E-mail:</b> <b>DISBURSEMENT ADDRESS</b>		
<b>Other Names Used with Debtor:</b>	<b>Amends Claim:</b> No <b>Acquired Claim:</b> No	
<b>Basis of Claim:</b> See addendum	<b>Last 4 Digits:</b> No	<b>Uniform Claim Identifier:</b>
<b>Total Amount of Claim:</b> 353,142.79	<b>Includes Interest or Charges:</b> No	
<b>Has Priority Claim:</b> No	<b>Priority Under:</b>	
<b>Has Secured Claim:</b> Yes: See addendum <b>Amount of 503(b)(9):</b> No <b>Based on Lease:</b> No <b>Subject to Right of Setoff:</b> Yes, Fee advance, see addendum	<b>Nature of Secured Amount:</b> Other Describe: Fee advance, see addendum <b>Value of Property:</b> <b>Annual Interest Rate:</b> <b>Arrearage Amount:</b> <b>Basis for Perfection:</b> <b>Amount Unsecured:</b> See addendum	
<b>Submitted By:</b> Helena Tseregounis on 26-Jul-2023 12:37:37 p.m. Eastern Time <b>Title:</b> Partner <b>Company:</b> Latham and Watkins LLP		

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

PLASTIQ INC., *et al.*,<sup>1</sup>

Debtor.

Chapter 11

No. 23-10671 (BLS)

(Jointly Administered)

**ADDENDUM TO PROOF OF CLAIM OF LATHAM & WATKINS LLP**

Latham & Watkins LLP (“Latham” or “Claimant”) hereby submits this addendum to its proof of claim (the “Proof of Claim”) against Debtor PlastiQ Inc. (the “Debtor”), filed in the amount of \$353,142.79, on account of unpaid legal services that Latham provided to the Debtor prior to the commencement of the above-captioned chapter 11 case (the “Chapter 11 Cases”) on May 24, 2023 (the “Petition Date”).

1. As of the Petition Date, the Debtor had unpaid legal fees and expenses invoiced in the amount of \$373,478.90. Copies of the invoices are available upon request.

<u>Invoice No.</u>	<u>Unpaid Amount</u>	<u>Invoice Date</u>
2200626180	\$202,550.97	12/13/2022
2200626179	\$151,152.68	12/13/2022
2200626178	\$19,775.25	12/13/2022

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: PlastiQ Inc. (6125), PLV Inc. d/b/a/ PLV TX Branch Inc. (5084), and Nearside Business Corp. (N/A). The corporate headquarters and the mailing address for the Debtors is 1475 Folsom Street, Suite 400, San Francisco, California 94103.

2. Latham is holding an advance from the Debtor totaling \$20,336.11. Latham has not applied any outstanding amounts against such advance following the Petition Date. Notwithstanding anything to the contrary in the proof of claim form to which this addendum is attached, Latham submits that its application of such advance is not restricted by the Bankruptcy Code, including, without limitation, sections 362, 541, or 553 of the Bankruptcy Code, and Latham reserves the right to apply the retainer consistent with its engagement letter with the Debtor and applicable law. The net of the unpaid invoices and the fee advance is \$353,142.79.

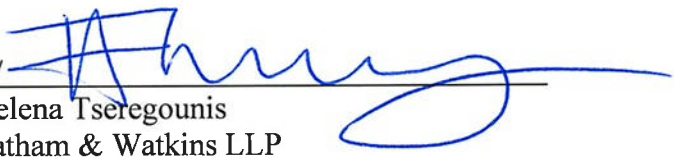
### **RESERVATION OF RIGHTS**

3. Latham reserves the right to (a) amend and/or supplement the Proof of Claim at any time, including after the applicable bar date, and in any manner, and (b) file additional proofs of claim for any additional claim(s) against the Debtor or any other party that may be based on the same or additional documents or grounds of liability. The Proof of Claim is not, and shall not be deemed to be, a waiver of any claim by Latham and all claims are hereby asserted and preserved.

4. The filing of the Proof of Claim is not and shall not be deemed or construed as (a) a waiver or release by Latham of any rights against any person, entity, or property, (b) a consent by Latham to the jurisdiction of the Court or any other court with respect to proceedings, if any, commenced in any case otherwise involving Latham or its representation of the Debtor, (c) a waiver or release of Latham's right, or Latham's consent, to trial by jury in the Court or any other court in any proceeding, whether or not the same be designated legal or private rights or in any case, controversy or proceeding related thereto, notwithstanding the designation or not of such matters as core proceedings pursuant to 28 U.S.C. § 157 or otherwise, (d) a waiver or release of Latham's right to have, or to assert that, any and all final orders in any and all matters or proceedings be entered only after *de novo* review by a judge of the United States District Court,

(e) a waiver of the right to move to withdraw the reference with respect to the subject matter of the Proof of Claim, any objection thereto or other proceeding which may be commenced in the Chapter 11 Cases or otherwise involving Latham, (f) an election of remedies or choice of law, (g) a waiver or release of, or any limitation on Latham's right to assert that any portion of the claims asserted herein are entitled to treatment as priority claims or as administrative claims, or (h) a waiver of any rights, claims, actions or defenses, setoffs, recoupments, or other matters to which Latham is entitled under any agreements, at law, in equity, or otherwise.

5. This Proof of Claim is filed to preserve any and all rights and entitlements that Latham may have against the Debtor or its estate, and nothing set forth herein should be construed as an admission or waiver by Latham.

/s/   
Helena Tseregounis  
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Los Angeles, CA 90071  
(213) 891-7698  
helena.tseregounis@lw.com