

RIMON P.C.

Proposed Counsel to the Chapter 7 Trustee
Kenneth P. Silverman
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753
(516) 479-6300
Brian Powers
Courtney Roman

Presentment Date: April 25, 2024
Time: 12:00 p.m.

Objection Deadline: April 18, 2024
Time: 4:00 p.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

BUTH-NA-BODHAIGE, INC.,

Case No.: 24-10392 (DSJ)

Debtor.

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**NOTICE OF PRESENTMENT OF TRUSTEE’S APPLICATION FOR AN ORDER
AUTHORIZING RETENTION OF ACCOUNTANT EFFECTIVE
AS OF MARCH 11, 2024, FOR THE TRUSTEE AND THE ESTATE**

PLEASE TAKE NOTICE, that on **April 25, 2024 at 12:00 noon**, upon the application dated April 5, 2024 (the “Application”) of Kenneth P. Silverman, Esq., the chapter 7 trustee (the “Trustee”) of the estate of Buth-Na-Bodhaidge, Inc. (the “Debtor), will present an order in accordance with Bankruptcy Code §327(a) (the “Proposed Order”), seeking to retain Held, Kranzler, McCosker and Pulice, LLP as accountants for the Trustee, to the Honorable David S. Jones, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, Courtroom 701, New York, New York 10004-1408.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the entry of the Proposed Order shall be in writing, must be filed with the Court electronically in accordance with General Order M-399 by registered users of the Court’s electronic case filing system, and by all other parties in interest, mailed to the Clerk of the United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton U.S. Custom House, One Bowling Green, Courtroom 701, New York, New York 10004-1408, with a hard copy delivered directly to the Chambers of



the Honorable David S. Jones, and served in accordance with General Order M-399 or other form upon: (i) proposed attorneys for the Trustee, Rimon P.C., 100 Jericho Quadrangle, Suite 300, Jericho, New York, 11753, Attention: Brian Powers, Esq., and (ii) the U.S. Department of Justice, Office of the United States Trustee, Alexander Hamilton Custom House, One Bowling Green, Room 534, New York, New York 10004, Attn: Mark Bruh, Esq. so as to be received no later than **April 18, 2024 at 4:00 p.m.**

PLEASE TAKE FURTHER NOTICE, that if a timely objection is filed, the Court may schedule a hearing on the Application.

Dated: Jericho, New York
April 10, 2024

RIMON P.C.
Proposed Counsel to Kenneth P. Silverman, Esq.,
the Chapter 7 Trustee

By: *s/ Brian Powers*
Brian Powers
Partner
100 Jericho Quadrangle, Suite 300
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(516) 479-6300

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

BUTH-NA-BODHAIGE, INC.,

Case No.: 24-10392 (DSJ)

Debtor.

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**TRUSTEE'S APPLICATION FOR AN ORDER
AUTHORIZING RETENTION OF ACCOUNTANT EFFECTIVE
AS OF MARCH 11, 2024, FOR THE TRUSTEE AND THE ESTATE**

**TO: THE HONORABLE DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE**

Kenneth P. Silverman, Esq., the interim chapter 7 trustee (the "Trustee") for the bankruptcy estate of Buth-Na-Bodhaidge, Inc. (the "Debtor"), respectfully submits this application (this "Application") for the entry of an order (the "Proposed Order"), substantially in the form annexed hereto as **Exhibit A** authorizing the retention and employment of Held, Kranzler, McCosker and Pulice, LLP ("HKMP"), respectfully sets forth and represents:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue of this case is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The bases for the relief requested herein are section 156(c) of title 28 of the United States Code, sections 105(a) and 503(b)(1)(A) of title 11 of the United States Code, 11 U.S.C. §§

101-1532 (the “Bankruptcy Code”), Rule 2002(f) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rules 5075-1(b) and 9013-1(a) of the Local Bankruptcy Rules for the Southern District of New York (the “Local Rules”).

BACKGROUND

3. The Debtor is a cosmetic and skin care retailer that is a subsidiary of the Body Shop International Limited, a UK based company.

4. On March 8, 2024, the Debtor filed a voluntary petition for relief pursuant to chapter 7 of the Bankruptcy Code.

5. On March 11, 2024, Kenneth P. Silverman, Esq., was appointed the interim chapter 7 trustee of the Debtor’s estate.

6. In accordance with Bankruptcy Code §§327(a), 330, and 331, the Federal Rules of Bankruptcy Procedure, and the guidelines promulgated by the Office of the United States Trustee, the Trustee now wishes to employ HKMP, Certified Public Accountants effective as of March 11, 2024, as his accountants in the above captioned matter to among other things: (a) prepare the tax returns, forms and reports required to be filed by the Debtor including, but not limited to, partnership tax returns, sales tax returns, employment tax returns and other local personal property tax returns; (b) review previously filed Federal, state and local income tax returns; (c) review and analyze tax issues as they may arise; (d) review notices received from the Internal Revenue Service and other state or local tax authorities; (e) perform a forensic examination of the Debtor’s books and records to determine if any preferential payments or fraudulent conveyances occurred; (f) analyze and investigate any insider transactions; and (g) perform such other accounting services as the Trustee or Rimon P.C., deem necessary for the proper administration of the Debtor’s estate (collectively, the “Services”).

7. The Trustee has selected HKMP because of its excellent reputation and expertise in matters of this kind. As more fully set forth in the affidavit of Russell Kranzler, CPA, CFF annexed hereto as **Exhibit B** (the "Affidavit"), HKMP has an expertise in bankruptcy and insolvency proceedings and can assist the Trustee in various accounting matters.

8. To the best of the Trustee's knowledge, and upon information and belief, HKMP has no connection with the Debtor, creditors, or any other party in interest, or its respective attorneys, except as set forth in the Affidavit. Therefore, HKMP is "disinterested" within the meaning of Bankruptcy Code §§ 101(14) and 327(a).

9. The Trustee believes that HKMP represents no interest adverse to the Trustee, the Debtor or the estate in the matters upon which it is to be engaged and the employment of HKMP would be in the best interest of the estate.

10. The Trustee has been informed that HKMP's hourly rates for work performed by (i) Partners/Principal, Six Hundred Fifteen and 00/100 (\$615.00) Dollars per hour; (ii) Managers, Four Hundred Ninety-Five and 00/100 (\$495.00) Dollars per hour; (iii) Staff Accountants, Three Hundred Ninety-Five and 00/100 (\$395.00) Dollars per hour; and (iv) Paraprofessionals, Two Hundred Twenty and 00/100 (\$220.00) Dollars per hour.

11. HKMP will apply to the Court for allowances of compensation and reimbursement of expenses in accordance with the applicable provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Court's Local Bankruptcy Rules; and any payment due HKMP on account of the Services shall be subject to further Order of this Court. In the event HKMP changes its rates for services, HKMP will file a supplemental affidavit with the Court describing any changes and provide notice of such increases to the Office of the United States Trustee.

12. No previous application for the relief sought herein has been made to this or any other Court.

WHEREFORE, the Trustee respectfully requests that this Court enter the Retention Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and such other and further relief as may be just and proper.

Dated: April 5, 2024
Jericho, New York

RIMON P.C.
Proposed Counsel to the Chapter 7 Trustee

s/ Brian Powers
Brian Powers
Partner
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753
(516) 479-6000

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

BUTH-NA-BODHAIGE, INC.,

Case No.: 24-10392 (DSJ)

Debtor.
-----x

**ORDER AUTHORIZING RETENTION OF
ACCOUNTANT FOR THE TRUSTEE AND THE ESTATE**

Upon the application Kenneth P. Silverman, Esq., the interim chapter 7 trustee (the “Trustee”) for the bankruptcy estate of Buth-Na-Bodhaidge, Inc. (the “Debtor”), seeking the entry of an order authorizing the employment of Held, Kranzler, McCosker and Pulice, LLP (“HKMP”), as accountants for the Trustee and the estate to, among other things: (a) prepare the tax returns, forms and reports required to be filed by the Debtor including, but not limited to, partnership tax returns, sales tax returns, employment tax returns and other local personal property tax returns; (b) review previously filed Federal, state and local income tax returns; (c) review and analyze tax issues as they may arise; (d) review notices received from the Internal Revenue Service and other state or local tax authorities (e) perform a forensic examination of the Debtor’s books and records to determine if any preferential payments or fraudulent conveyances occurred; (f) analyze and investigate any insider transactions; and (g) perform such other accounting services as the Trustee or Rimon P.C. necessary for the proper administration of the Debtor’s estate (collectively, the “Services”); and upon the affidavit of Russell Kranzler, CPA, CFF annexed to the Application (the “Affidavit”); and the Court being satisfied that HKMP represents no interest adverse to the Trustee, the Debtor or it’s estate, except as set forth in the Affidavit in the matters upon which

HKMP is to be engaged, and that the employment of HKMP is necessary and would be in the best interests of the estate, and no further notice being required, it is hereby

ORDERED, that the application is granted *to the extend provided herein*; and it is further

ORDERED, that in accordance with §327(a) of Title 11, United States Code (the “Bankruptcy Code”), HKMP is retained to act as accountants for the Trustee and the estate to perform the Services; and it is further

ORDERED, that HKMP shall be compensated in accordance with the procedures set forth in the Application, Bankruptcy Code §§330 and 331, the Federal Rules of Bankruptcy Procedure, the Court’s Local Bankruptcy Rules, the guidelines promulgated by the Office of the United States Trustee, and any orders of this Court; and it is further

ORDERED, that ten business days prior to any increases in HKMP's rates, HKMP shall file a supplemental affidavit with the Court (the “Supplemental Affidavit”) and ten business days’ notice to the Trustee and the United States Trustee. The Supplemental Affidavit shall explain the basis for the requested rate increase in accordance with §330(a)(3)(F) of the Bankruptcy Code and state whether the Trustee has consented to the rate increase. All parties, including the United States Trustee, retain all rights to object to or otherwise respond to any rate increase on any and all grounds, including, but not limited to, the reasonableness standard provided for in §330 of the Bankruptcy Code; and it is further

ORDERED, that HKMP shall use its best effort to avoid any duplication of services provided by any of the Trustee’s other retained professionals in this chapter 7 case; and it is further

ORDERED, that the Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order; and it is further

ORDERED, that if there is any inconsistency between the terms of this Order, the Application, and the Affidavit attached thereto, the terms of this Order shall govern.

Dated: _____, 2024
New York, New York

United States Bankruptcy Judge
Judge David S. Jones

Dated: New York, New York
April 5, 2024

NO OBJECTION:

s/ Mark Bruh

Office of the United States Trustee

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Buth-Na-Bodhaige, Inc.
Chapter 7
Case No. 24-10392 (DSJ)

Debtor.
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ACCOUNTANT'S AFFIDAVIT OF DISINTEREST

STATE OF NEW YORK)
)ss.:
COUNTY OF New York)

Russell Kranzler, CPA, Certified Forensic Accountant, CFF, being duly sworn, deposes and says:

1. I am a licensed and qualified Certified Public Accountant and a member of the accounting firm of Held, Kranzler, McCosker & Pulice, LLP with offices at 104 West 40th. Street, 10th Floor, New York, NY 10018.

2. I am qualified to perform the services specified in the Application of Rimon PC, counsel to the Trustee to provide accounting advice and services for the Trustee and the Estate.

3. The services my firm intends to perform include:

- (A) Potentially perform a forensic examination of the Debtors' books and records to determine if any preferential payments or fraudulent conveyances occurred.
- (B) Potentially analyze and investigate any insider transactions.
- (C) Assist in the preparation of all tax returns, forms and reports required by the various taxing authorities.
- (D) Perform all other necessary accounting services as the Chapter 7 Trustee or his counsel may deem necessary herein.

4. As set forth in the application, it is necessary for the Trustee to employ accountants to provide the above professional services.

5. Our current hourly billing rates are as follows:

Partner	- \$615
Manager	- \$495
Staff accountant	- \$395
Para Professionals	- \$220

Periodically, our hourly rates are subject to firm-wide adjustments. Any adjustments shall be on notice to the U.S. Trustee, the Debtor, and the Court pursuant to the proposed order annexed hereto. We have no arrangements to share our fees with any other party.

The Trustee provided us with matrixes of the list of creditors and related parties. The firm ran a conflict check and we determined that neither I nor any member of my firm holds or represents any interest which is adverse to those of the Trustee, the Debtor, the estate, any other party in interest in the Debtor's case, their respective attorneys and advisors, the Court or anyone employed in the Court's chambers, the United States Trustee, or any person employed in the Office of the United States Trustee. Russell Kranzler and the firm of Held, Kranzler, McCosker & Pulice, LLP are a "disinterested person" as that term is defined in 11 U.S.C. § 101(14): (a) is not a creditor, an equity security holder, or an insider of the Debtor; (b) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the Debtor; and (c) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the Debtor, or for any other reason.

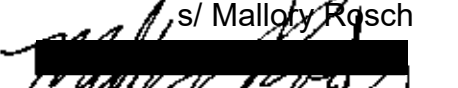

s/ Russell Kranzler

Dated: April 5, 2024



Russell Kranzler, CPA, CFAC, CFF
Held, Kranzler, McCosker & Pulice, LLP
104 West 40th Street, 10th Floor
New York, NY 10018
Telephone - (212) 533-2727
Fax - (212) 533-5787

Sworn to before me the
4th day April 2024


s/ Mallory Rosch

Notary Public

