

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 M. Roman

Presentment Date: May 7, 2024
Time: 12:00 p.m.

Objection Deadline: April 30, 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 ENTRY
OF AN ORDER AUTHORIZING THE EMPLOYMENT OF RIMON P.C.
AS ATTORNEYS FOR THE TRUSTEE EFFECTIVE AS OF MARCH 11, 2024**

PLEASE TAKE NOTICE, that on **May 7, 2024 at 12:00 noon**, upon the application dated April 23, 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 Rimon P.C. as counsel to 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 30, 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 23, 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
Jericho, NY 11753
(516) 479-6300

RIMON P.C.
Proposed Counsel to the Chapter 7 Trustee
Kenneth P. Silverman
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**TRUSTEE'S APPLICATION FOR ENTRY OF AN
ORDER AUTHORIZING THE EMPLOYMENT OF RIMON P.C. AS
ATTORNEYS FOR THE TRUSTEE EFFECTIVE AS OF MARCH 11, 2024**

By this application (the "Application"), Kenneth P. Silverman, Esq., the chapter 7 trustee (the "Trustee") of the bankruptcy estate (the "Estate") of Buth-Na-Bodhaige, Inc. (the "Debtor"), seeks the authority to employ Rimon P.C. ("Rimon") as counsel to the Trustee, and respectfully represents:

1. On March 8, 2024, the Debtor filed a voluntary petition for relief under chapter 7 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 "Court").

2. On March 11, 2024, Kenneth P. Silverman was appointed the interim chapter 7 trustee and is acting in that capacity.

3. Upon review of the Petition and schedules of the Debtor, the Trustee has determined that he requires the assistance of Rimon to assist in, among other things: (i) the Trustee's investigation and winddown of the Debtor's financial affairs, including, but not limited

to, the valuation and possible liquidation of the Debtor's real property and inventory, to the extent equity exists that can be realized for the benefit of the estate's creditors, (ii) pursue the recovery of any assets of the Debtor's estate and/or avoidance claims on behalf of the Debtor's estate, and (iii) the orderly administration of this estate, including preparing the necessary motions, applications, orders, and other legal documents that may be required under the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure in furtherance of the Trustee's appointment (collectively, the "Services").

4. Accordingly, the Trustee requests that Rimon be employed as his attorneys effective as of March 11, 2024. The Trustee believes that Rimon is well qualified to act as his attorneys and to represent him as the Trustee in this case.

5. In addition to the Services, Rimon may render other professional services and perform all other legal services for the Trustee, which may be necessary in connection with the Trustee's administration of the Debtor's estate, including but not limited to, the Trustee's attempts to recover and liquidate the assets of this estate.

6. To the best of the Trustee's knowledge, Rimon has no connection with the Debtor's creditors or any other party in interest or their respective attorneys, except as set forth in the declaration of Brian Powers, Esq. (the "Declaration"), a partner of Rimon, annexed hereto as **Exhibit A**. Additionally, Rimon represents no interest adverse to the Debtor or this estate, or any other interested person in the matters with respect to which Rimon is being employed by the Trustee, except as set forth in the Declaration.

7. Furthermore, Rimon is a "disinterested person" as that term is defined in §101(14) of the Code and that said firm:

- (a) is not a creditor, equity security holder, or insider;

(b) is not and was not, within two (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 this 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.

8. Based on the foregoing, the Trustee submits that the retention of Rimon, as of March 11, 2024, is not only necessary but also in the best interest of this estate.

9. No prior application for relief sought herein has been previously made to this or any other court.

WHEREFORE, the Trustee respectfully requests for the entry of the order, annexed hereto as **Exhibit B**, authorizing the employment of Rimon, as of March 11, 2024, and that this Court grant such other and further relief as may be deemed just and proper.

Dated: Jericho, New York
April 23, 2024

s/ Kenneth P. Silverman
Kenneth P. Silverman

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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**DECLARATION IN SUPPORT OF APPLICATION APPROVING
RETENTION OF RIMON P.C., AS ATTORNEYS FOR THE TRUSTEE**

Brian Powers, pursuant to 28 U.S.C. §1746, declares under penalty of perjury:

1. I am a Partner of the firm of Rimon P.C. ("Rimon") which maintains an office at, among other locations, 100 Jericho Quadrangle, Suite 300, Jericho, New York 11753. I have been duly admitted to practice law before this Court.

2. I submit this declaration in support of the application of Kenneth P. Silverman, Esq., the chapter 7 trustee (the "Trustee") of the estate of Buth-Na-Bodhaige, Inc., for an order authorizing the retention of Rimon as attorneys for the Trustee, effective as of March 11, 2024, pursuant to section 327(a), of title 11, United States Code (the "Bankruptcy Code"), and to provide the disclosures required under Rule 2014(a) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

Rimon's Qualifications

3. Rimon is an international law firm with 48 offices in 11 countries. Among its diverse practice areas, Rimon has a specialization in representing debtors, committees, trustees, and other parties in this Court and in bankruptcy courts in other jurisdictions. Accordingly, Rimon is well qualified to represent the Trustee in this case.

Disinterestedness

4. In preparing this Declaration, Rimon compared creditor and interested party

information obtained from the Trustee to Rimon's database of present and former clients and adverse parties. In the event Rimon receives additional information regarding additional creditors and interested parties, I will update the disclosures contained herein in a supplemental declaration to the extent necessary.

5. The database maintained by Rimon includes every matter in which the firm is now or has been engaged over at least the past five years, and in each instance, the identity of related parties and adverse parties. It is the policy of Rimon that no new matter may be accepted or opened within the firm without completing and submitting to those charged with maintaining the database the information necessary to check each new matter for conflicts, including the identity of the prospective client, the matter, and related and adverse parties.

6. Insofar as I have been able to ascertain, neither Rimon nor its partners, counsel or associates represent or hold any interest adverse to the estate of the Debtor, its creditors, attorneys and advisors, or any other party in interest in the matters upon which Rimon is to be engaged, unless specifically set forth herein.

Specific Disclosures

7. Neither Rimon, nor its partners, counsel or associates, have received or been promised compensation in connection with these cases other than in accordance with the provisions of the Bankruptcy Code and Bankruptcy Rules.

8. No agreement or understanding exists between Rimon and any other person, other than as permitted by section 504 of the Bankruptcy Code, to share compensation received for services rendered in connection with this case, nor shall Rimon share or agree to share compensation received for services rendered in connection with this case with any other person other than as permitted by section 504 of the Bankruptcy Code.

9. Furthermore, neither Rimon, nor its partners, counsel, associates, or any other employee of Rimon, have any connection with the Office of the United States Trustee, the Honorable David S. Jones, or the members of the Court's chambers.

10. Other than as set forth in paragraph 11 hereof, Rimon does not represent, and will not represent, any creditors or any other party in interest in any matter adverse to the Trustee or the Debtor's estate.

11. Rimon currently represents Meta Platforms, Inc. and Meta Platforms Technologies, LLC (collectively "Meta"), Microsoft Corporation ("Microsoft"), Office Depot Inc. ("Office Depot"), and Los Angeles County ("Los Angeles County"), each scheduled as creditors in this case, in connection with various other matters, none of which involve the Debtor or this chapter 7 case. Meta, Microsoft, Office Depot and Los Angeles County have each agreed, subject to this Court's approval, to waive any potential conflicts of interest with respect to Rimon's representation of the Trustee in this matter.

12. Rimon is a "disinterested person" as that term is defined in Bankruptcy Code §101(14), in that Rimon:

- a. is not a creditor, an equity security holder or insider of the Debtors;
is not and was not, within two (2) years before the date of the filing of the petition, a director, officer, or employee of the Debtors; and
does not have an interest materially adverse to the interest of the Debtors' 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 Debtors, or for any other reason.

Billing Practices

13. Rimon shall apply for compensation for professional services rendered and reimbursement of expenses incurred in connection with this case in compliance with sections 330 and 331 of the Bankruptcy Code and applicable provisions of the Bankruptcy Rules, Local Rules,

and any other applicable procedures and orders of the Court.

14. The Trustee has been advised that, subject to periodic adjustment, the hourly rates for the attorneys and paraprofessionals of Rimon that will be primarily engaged in this matter are as follows: paraprofessionals \$175.00 to \$275.00; and attorneys \$275.00 to \$850.00, although Rimon may engage certain practice area specialists as necessary with the prior consent of the Trustee.

15. Rimon and the Trustee have not agreed to any variations from, or alternatives to, Rimon's standard billing arrangements for this engagement. The hourly rates used by Rimon in representing the Trustee are consistent with the rates that Rimon charges other clients in bankruptcy cases, regardless of the location of the pending matter.

16. If Rimon raises its hourly rates during the pendency of this case, Rimon will inform in writing the Trustee, U.S. Trustee, and the Court of the new rates at least ten (10) business days prior to such increase in accordance with 11 U.S.C. §330(a)(3)(F). Parties in interest, including the U.S. Trustee, shall 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 under 11 U.S.C. §330. However, supplemental affidavits are not required for rate increases effective on or after the date the Trustee submits the Trustee's Final Report to the United States Trustee.

17. Rimon customarily bills clients for expenses related to the rendition of services, including without limitation, photocopies, faxes, overnight delivery services, courier services, research services, and transportation expenses. Such out-of-pocket expenses are passed through to the client, and Rimon does not make a profit on such expenses.

Dated: Jericho, New York
April 23, 2024

s/ Brian Powers
Brian Powers, Esq.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re: Chapter 7

BUTH-NA-BODHAIGE, INC., Case No.: 24-10392 (DSJ)

Debtor.

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**ORDER APPROVING EMPLOYMENT OF
RIMON P.C. AS ATTORNEYS FOR THE TRUSTEE**

Upon consideration of the application (the "Application") of Kenneth P. Silverman, Esq., the chapter 7 trustee (the "Trustee") of the estate of Buth-Na-Bodhaige, Inc. (the "Debtor"), seeking authority to employ Rimon P.C. ("Rimon") to represent the Trustee as his attorneys; and upon the declaration of Brian Powers, Esq. (the "Powers Declaration"), a partner of Rimon which is attached to the Application; and it appearing that: (i) the employment of Rimon is necessary and would be in the best interests of the estate; (ii) Rimon is a "disinterested person" as that term is defined in §101(14) of Title 11, United States Code (the "Bankruptcy Code"); and (iii) Rimon is a firm duly qualified to practice in the Courts of the State of New York and before this Court and that the firm represents no interest adverse to the estate, and no adverse interest appearing thereto and no additional notice being required; it is hereby

ORDERED, that the Application is granted to the extent provided herein; and it is further

ORDERED, that in accordance with Bankruptcy Code §327(a), Rimon be, and it hereby is, authorized and empowered to represent the Trustee as his attorneys effective as of March 11, 2024 to perform the following duties: (i) assist with the Trustee's investigation of the Debtor's financial affairs, including, but not limited to, the valuation and possible liquidation of the Debtor's interest in vehicles to the extent equity exists that can be realized for the benefit of the estate's creditors, (ii) pursue the recovery of any assets of the Debtor's estate and/or avoidance claims on

behalf of the Debtor's estate and (iii) the orderly administration of this estate, including preparing the necessary motions, applications, orders, and other legal documents that may be required under the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure in furtherance of the Trustee's appointment; and it is further

ORDERED, that ten business days' notice must be provided by Rimon to the Debtor and the United States Trustee prior to any increases in the rates set forth in the Application, and such notice must be filed with the Court. The United States Trustee retains all rights to object to any rate increase on all grounds including, but not limited to, the reasonableness standard provided for in Bankruptcy Code §330, and the Court retains the right to review any rate increase pursuant to Bankruptcy Code §330; and, it is further;

ORDERED, that all compensation and reimbursement of expenses to be paid to Rimon shall be subject to prior application to, and award by, this Court, pursuant to Bankruptcy Code §§330 and 331, the Bankruptcy Rules, the Local Rules, and applicable law; and it is further

ORDERED, that in the event of a discrepancy between the terms of this Order, the Application or the Powers Declaration, the terms of this Order shall prevail; and it is further

ORDERED, that notwithstanding any provision to the contrary in the Application or the Powers Declaration, the Court shall retain jurisdiction to hear and to determine all matters arising from or related to implementation of this Order.

Dated: New York, New York
April __, 2024

Honorable David S. Jones
United States Bankruptcy Court Judge

NO OBJECTION:

s/ Mark Bruh, Esq.
Office of the United States Trustee