

RIMON P.C.
Proposed Counsel to the Chapter 7 Trustee
Kenneth P. Silverman, Esq.
100 Jericho Quadrangle Suite 300
Jericho, New York 11753
Brian Powers
Haley Trust
Courtney M. Roman

Hearing Date: June 13, 2024
Time: 10:00 a.m.

Objections Due: June 6, 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.

-----X

**NOTICE OF HEARING ON
CHAPTER 7 TRUSTEE’S MOTION
FOR AN ORDER LIMITING SERVICE PURSUANT
TO 11 U.S.C. §105(a) AND BANKRUPTCY RULE 2002(h)(1)**

PLEASE TAKE NOTICE THAT, upon the motion (the “Motion”) of Kenenth P. Silverman, the chapter 7 trustee (the “Trustee”) for the bankruptcy estate of Buth-Na-Bodhaige, Inc. (the “Debtor”), by his proposed counsel, Rimon P.C., will move before the Honorable David S. Jones, United States Bankruptcy Judge, for the United States Bankruptcy Court of the Southern District of New York, via Zoom for Government, on **June 13, 2024 at 10:00 a.m.** (the “Hearing”), or as soon thereafter as counsel can be heard, for entry of an order, substantially in the form annexed to the Motion as **Exhibit A**, authorizing service to be limited to the parties required under section 105(a) of title 11, United States Code (the “Bankruptcy Code”) and Rule 2002(h)(1) of the Federal Rules of Bankruptcy Procedure the (the “Bankruptcy Rules”) and the Office of the United States Trustee, and for such further relief as the Court deems proper.

PLEASE TAKE FURTHER NOTICE, that prior to the Hearing, any party wishing to appear at the Hearing is required to register their appearance by 4:00 p.m. one (1) business day in



advance of the Hearing using the Court's eCourt Appearances platform:
<https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>.

PLEASE TAKE FURTHER NOTICE, that objections to the relief sought in the Motion shall be in writing, conform to the requirements of the Bankruptcy Code, Bankruptcy Rules, and the Local Rules of this Court, must set forth the name of the objecting party, the basis for the objection and the specific grounds therefore, and must be filed electronically with the Bankruptcy Court in accordance with General Order M-399 (General Order M-399 and the User's Manual for the Electronic Case Filing System may be found at www.nysb.uscourts.gov, the official website for the Bankruptcy Court) by registered users of the Bankruptcy Court's case filing system, and by all other parties in interest on a disk, preferably in Portable Document Format (PDF), WordPerfect, or any other Windows-based word processing format (with courtesy copies delivered directly to Chambers), and must be served upon (i) proposed counsel to the Trustee, Rimon P.C., 100 Jericho Quadrangle, Suite 300, Jericho, New York, 11753, Attn: Brian Powers, Esq. and (ii) The Office of the United States Trustee, Alexander Hamilton Custom House, One Bowling Green, Room 534, New York, New York, 10004-1408, Attn: Mark Bruh, Esq., no later than **June 6, 2024 at 4:00 p.m.**

PLEASE TAKE FURTHER NOTICE, that the Hearing may be adjourned without further notice other than the announcement of such adjournment in open Court or by the filing of such notice of adjournment on the docket sheet for the Debtor's case.

PLEASE TAKE FURTHER NOTICE, that you need not appear at the Hearing if you do not object to the relief requested in the Motion.

Dated: Jericho, New York
May 23, 2024

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

By: s/ Brian Powers
Brian Powers
Partner
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753

RIMON P.C.
Counsel to the Chapter 7 Trustee
Kenneth P. Silverman, Esq.
100 Jericho Quadrangle Suite 300
Jericho, New York 11753
Brian Powers
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BUTH-NA-BODHAIGE, INC.,

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Debtor.
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**CHAPTER 7 TRUSTEE’S MOTION
FOR AN ORDER LIMITING SERVICE PURSUANT
TO 11 U.S.C. §105(a) AND BANKRUPTCY RULE 2002(h)(1)**

Kenneth P. Silverman, Esq., the chapter 7 trustee (the “Trustee”) for the bankruptcy estate of Buth-Na-Bodhaige, Inc. (the “Debtor”), submits this motion (this “Motion”), pursuant to section 105(a) of title 11, United States Code (the “Bankruptcy Code”) and Rule 2002(h)(1) of the Federal Rules of Bankruptcy Procedure the (the “Bankruptcy Rules”), seeking entry of an order, substantially in the form annexed hereto as **Exhibit A**, authorizing future services in the Debtor’s case governed by Bankruptcy Rule 2002(a) to be limited to the parties set forth Bankruptcy Rule 2002(h)(1) and the Office of the United States Trustee, and for such further relief as the Court deems proper, and respectfully represents as follows:

JURISDICTION

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

3. The statutory basis for the relief requested herein are sections 105(a) of the Bankruptcy Code, and Bankruptcy Rule 2002(h)(1).

BACKGROUND

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

5. On March 9, 2024, Kenneth P. Silverman, Esq., was appointed the interim chapter 7 trustee of the Debtor's estate and has since duly qualified and is permanent Trustee.

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

7. As of the Petition Date, the matrix for notice parties in the Debtor's case included over 1,100 parties, many of which are unlikely to be creditors of the Debtor.

RELIEF REQUESTED

8. Pursuant to Bankruptcy Code 105(a):

The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, sua sponte, taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules, or to prevent an abuse of process.

11 U.S.C. § 105(a).

9. Bankruptcy Rule 2002(h)(1) provides:

In a voluntary chapter 7 case, chapter 12 case, or chapter 13 case, after 70 days following the order for relief under that chapter or the date of the order converting the case to chapter 12 or chapter 13, the court may direct that all notices required by subdivision (a) of this rule be mailed only to:

- the Debtor,
- the Trustee,
- all indenture trustees,
- creditors that hold claims for which proofs of claim have been filed, and

- creditors, if any, that are still permitted to file claims because an extension was granted under Rule 3002(c)(1) or (c)(2).

Fed. Rules Bank. Proc. Rule 2002(h)(1).

10. By this motion, the Trustee requests the entry of an order establishing appropriate notice procedures pursuant to 2002(h)(1). For the reasons set forth below, the Trustee requests the entry of an order limiting notice required by Bankruptcy Rule 2002(a) to only the parties set forth in Bankruptcy Rule 2002(h)(1), as well as the Office of the United States Trustee (the “Service List”).

11. Limiting notice to the parties set forth in Bankruptcy Rule 2002(h)(1) will ensure that parties with a vested interest in this case continue to receive notice. Importantly, in order to be included on the Service List, parties need only (i) file a proof of claim in the Debtor’s case, if such party is a creditor, or (ii) have counsel for such party file a notice of appearance in the Debtor’s case. Moreover, parties may continue to monitor the latest filings in the Debtor’s case, at no cost to them, through the website maintained by the court-appointed claims agent in this case at <https://www.kccllc.net/thebodyshop>.

12. Importantly, notices regarding the (a) the First Meeting of Creditors pursuant to §341 of the Bankruptcy Code, and (b) the time fixed for filing proofs of claims have already been served upon all known creditors of the estate and parties-in-interest. Although the last day to file proofs of claim in this case is June 17, 2024, to date only fifty-two (52) claims have been filed with either the Court or the Court-appointed claims agent in this case.

13. To the extent that a party does not take action to ensure that it is on the Service List in this case, the burden to the estate of continuing to notice such party greatly outweighs any benefit that party would receive from continually receiving notices. The Trustee believes that, if the relief sought herein is granted, notices required by Bankruptcy Rule 2002(a) would likely be sent to as

many as 1,000 fewer recipients than would currently be required, which would result in significant savings to the estate in this case.

14. The Trustee believes that the administration of the case would be more efficient and cost effective if the relief requested is granted. Therefore, the Trustee submits that the relief requested in this Motion is in the best interest of the estate, and its creditors, and will not prejudice the rights of any party-in-interest entitled to receive notice in this case.

CONCLUSION

15. Based on the foregoing, the Trustee submits that the relief requested is necessary and appropriate, is in the best interests of the Debtor's estate and its creditors, and should be granted in all respects.

16. No prior motion for the relief requested herein has been made to this or any other Court.

WHEREFORE, the Trustee respectfully requests entry of an order substantially in the form annexed hereto as **Exhibit A**, which grants the relief requested herein and for such other, further and different relief as the Court deems just and proper.

Dated: Jericho, New York
May 23, 2024

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

By: s/ Brian Powers
Brian Powers
Partner
100 Jericho Quadrangle, Suite 300
Jericho, New York 11753

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

BUTH-NA-BODHAIGE, INC.,

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Debtor.
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**ORDER LIMITING SERVICE PURSUANT TO
11 U.S.C. §105(a) AND BANKRUPTCY RULE 2002(h)(1)**

Upon the motion (the “Motion”) of Kenneth P. Silverman, Esq., the chapter 7 trustee (the “Trustee”) for the bankruptcy estate of Buth-Na-Bodhaidge, Inc. (the “Debtor”), dated May 23, 2024, seeking the entry of an order to limit the parties to be served pursuant to section 105(a) of title 11, United States Code (the “Bankruptcy Code”) and Rule 2002(h)(1) of the Federal Rules of Bankruptcy Procedure the (the “Bankruptcy Rules”); and it appearing that notice of the Motion having been good and sufficient under the circumstances; and it appearing that the relief requested is in the best interests of the estate; it is hereby

ORDERED, that the Motion is granted; and it is further

ORDERED, that, with respect to any future notice in this case governed by Bankruptcy Rule 2002(a), service solely upon the parties set forth in Bankruptcy Rule 2002(h)(1), as well as the Office of the United States Trustee, shall be deemed good and sufficient notice; and it is further

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

Dated: June __, 2024
New York, New York

HONORABLE DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE