

Fill in this information to identify the case:

Debtor Thrasio Holdings, Inc.

United States Bankruptcy Court for the: _____ District of New Jersey
(State)

Case number 24-11840

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?** Joshua Silberstein
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)
	Joshua Silberstein John Thompson 750 Ninth Street, N.W. Suite 750 Washington, D.C. 20001, United States Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Joshua Silberstein 10 E. Beechcroft Road Short Hills, NJ 07078, United States

Contact phone 202-824-1760 Contact phone _____
Contact email John.Thompson@akerman.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: 4692 ____

7. How much is the claim? \$ Unknown. 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 attached 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: _____
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 entitled to administrative priority 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 05/03/2024
MM / DD / YYYY

/s/Joshua Silberstein
Signature

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

Name Joshua Silberstein
First name Middle name Last name

Title _____

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

Address 10 E. Beechcroft Road, Short Hills, NJ , 07078, United States

Contact phone _____ Email _____



KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (866) 967-0496 | International +1 (310) 751-2696

Debtor: 24-11840 - Thrasio Holdings, Inc.		
District: District of New Jersey, Trenton Division		
Creditor: Joshua Silberstein John Thompson 750 Ninth Street, N.W. Suite 750 Washington, D.C., 20001 United States Phone: 202-824-1760 Phone 2: Fax: Email: John.Thompson@akerman.com	Has Supporting Documentation: Yes, supporting documentation successfully uploaded	
	Related Document Statement:	
	Has Related Claim: No	
		Related Claim Filed By:
		Filing Party: Creditor
Disbursement/Notice Parties: Joshua Silberstein 10 E. Beechcroft Road Short Hills , NJ, 07078 United States Phone: Phone 2: Fax: E-mail: DISBURSEMENT ADDRESS		
Other Names Used with Debtor:	Amends Claim: No	
	Acquired Claim: No	
Basis of Claim: See attached Addendum.	Last 4 Digits: Yes - 4692	Uniform Claim Identifier:
Total Amount of Claim: Unknown	Includes Interest or Charges: No	
Has Priority Claim: No	Priority Under:	
Has Secured Claim: No	Nature of Secured Amount:	
Amount of 503(b)(9): No	Value of Property:	
Based on Lease: No	Annual Interest Rate:	
Subject to Right of Setoff: No	Arrearage Amount:	
	Basis for Perfection:	
	Amount Unsecured:	

Submitted By:

Joshua Silberstein on 03-May-2024 5:33:49 p.m. Eastern Time

Title:

Company:

Optional Signature Address:

10 E. Beechcroft Road

Short Hills, NJ , 07078

United States

Telephone Number:

Email:

Fill in this information to identify the case:

Debtor THRASIO HOLDINGS, INC.
 United States Bankruptcy Court for the District of New Jersey
 Case number 24-11840

To view the full list of Debtors, please see the Bar Date Notice included in your package or visit www.kccllc.net/thrasio.

**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, February 28, 2024.

Part 1: Identify the Claim

1. **Who is the current creditor?** Joshua Silberstein
 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? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? <u>John Thompson at Akerman LLP</u> Name <u>750 Ninth Street, N.W., Suite 750</u> Number Street <u>Washington, D.C. 20001</u> City State ZIP Code <u>United States</u> Country Contact phone <u>202-824-1760</u> Contact email <u>John.Thompson@akerman.com</u>	Where should payments to the creditor be sent? (if different) <u>Joshua Silberstein</u> Name <u>10 E. Beechcroft Road</u> Number Street <u>Short Hills New Jersey 07078</u> City State ZIP Code <u>United States</u> 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?** 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: 8 3 2 7

7. How much is the claim? \$ Unknown 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 attached 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: _____
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) _____%
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 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)?

- No
 Yes. Check all that apply:

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

- Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ _____
- 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). \$ _____
- 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). \$ _____
- Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). \$ _____
- Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ _____
- 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 entitled to administrative priority 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

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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:

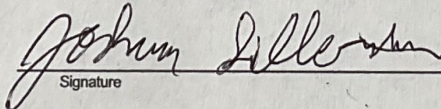
- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

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 5/1/2024
MM / DD / YYYY


 Signature

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

Name Joshua Silberstein
First name Middle name Last name

Title _____

Company _____

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

Address 10 E. Beechcroft Road
Number Street
Short Hills New Jersey 07078 USA
City State ZIP Code Country

Contact phone _____ Email _____

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE:
THRASIO HOLDINGS, INC., et al.,
Debtors.

CHAPTER 11
CASE NO.: 24-11840 (CMG)
(Jointly Administered)

ADDENDUM TO PROOF CLAIM

Joshua Silberstein (“Silberstein”) attaches this addendum (the “Addendum”) to his proof of claim (together with this Addendum, the “Claim”) against Thrasio Holdings, Inc., and Thrasio, LLC (“Thrasio” and/or the “Debtors”), and in further support states:

1. On February 28, 2024 (the “Petition Date”), the Debtor and its affiliated debtors and debtors-in-possession in the above-captioned chapter 11 cases filed voluntary petitions for relief under chapter 11 of title 11 of the United States Bankruptcy Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of New Jersey (the “Bankruptcy Court”), initiating the above-styled bankruptcy case under Case No. 24-11840 (the “Bankruptcy Case”).

2. On April 4, 2024, the Court entered the *Order (I) Setting Bar Dates for Submitting Proof of Claim, Including Requests for Payment Under Section 503(B)(9), (II) Establishing an Amended Schedules Bar Date and a Rejection Damages Bar Date, (III) Approving the Form, Manner, and Procedures for Filing Proofs of Claims, and (IV) Approving Notice Thereof* [Dkt. No. 292] (the “Claims Order”), setting May 6, 2024 at 5:00 p.m. Eastern Time as the deadline for filing general proofs of claim.

3. Prior to the Petition Date, on September 25, 2021, Debtors Thrasio, LLC and Thrasio Holdings, Inc. entered into a Confidential Separation Agreement and Mutual Release (the “Separation Agreement”) with Silberstein. The Separation Agreement sets forth, and

preserved, Silberstein's existing rights to indemnification under applicable law and/or written agreements between Silberstein and each of the Debtors, including any insurance policies under which Silberstein is covered.¹

4. To the extent that any claims relating to or involving the Debtors in any way which have been, or in the future are, asserted against Silberstein ("Third-Party Claims"), Silberstein hereby asserts and/or reserves the right to assert claims against the Debtors for contribution, indemnification, reimbursement and any and all similarly applicable claims. Silberstein's claims against Debtor include, but are not limited to, reimbursement and payment for the full amount of: (1) any damages and liabilities incurred by Silberstein as a result of any Third-Party Claims, as well as any and all costs, expenses and attorneys' fees incurred by Silberstein in defending, settling, resolving or responding in any way to Third-Party Claims; and (2) any other amounts to which Silberstein is entitled as a matter of law and/or under the Separation Agreement. Silberstein reserves the right to amend this Claim for any reason, including if and when additional information becomes available.

5. Based on the indemnification rights provided to Silberstein as a matter of law and pursuant to contract, Silberstein is entitled to coverage by any directors and officers insurance policy ("D&O Policy") of the Debtors and/or any related affiliates that might provide coverage to him as former CEO and director of the Debtors. Silberstein expressly reserves the right to seek coverage under any applicable D&O Policy which covers executives of the Debtors.

6. By virtue of the filing of this Claim, Silberstein does not waive, and hereby expressly reserves, Silberstein's right to pursue any and all claims and requests for payment,

¹ Consistent with the confidentiality obligations imposed by the Separation Agreement, a copy of the same is not attached hereto, and, upon information and belief, the Debtors maintain a copy in their business records.

including, but not limited to, the claims and requests for payment described herein against the Debtors based on the facts and circumstances giving rise to any indemnification claim or under any other alternative legal theories. In addition, certain of Silberstein's claims cannot at this time be reasonably calculated or estimated. Silberstein does not waive any of his rights to any and all such claims by not ascribing a specific dollar amount thereto at this time.

7. Silberstein reserves all rights to (i) amend, clarify, modify, update or supplement this Claim at any time and in any respect, including, without limitation, to assert additional claims and requests for payment or additional grounds for Silberstein's Claim; (ii) file additional proofs of claim at any time and in any respect; (iii) file separate proofs of claim as: (a) permitted by any order entered in this case establishing a deadline to file proofs of claim; (b) required or permitted by law; or (c) otherwise ordered by the Bankruptcy Court; and/or (iv) file a request for payment of an administrative expense or priority claim in accordance with 11 U.S.C. §§ 503(b) and 507(a). By virtue of the filing of this Claim, Silberstein does not waive, and hereby expressly reserves, his rights to pursue any and all claims and requests for payment, including, but not limited to, the claims and requests for payment described herein against the Debtors based on the facts and circumstances giving rise to the claims asserted in this Claim or under any other alternative legal theories.

8. The execution and filing of this Claim is not and shall not be deemed or construed as: (a) a waiver or release of the Silberstein's right against any person, entity or property which may be liable for all or any part of the claims asserted herein, including, but not limited to, guarantors or co-debtors; (b) a consent by Silberstein to the jurisdiction or venue of the Bankruptcy Court with respect to proceedings, if any, commenced in the Bankruptcy Case against or otherwise involving Silberstein; (c) a waiver or release of Silberstein's right to trial by

jury in any proceeding as to any and all matters so triable herein, whether or not the same be designated legal or private rights or in any case, controversy or proceeding related hereto, notwithstanding the designation or not of such matters as “core proceedings” pursuant to 28 U.S.C. § 157(b)(2), and whether such jury trial right is pursuant to statute or the United States Constitution; (d) a waiver or release of Silberstein’s right to have any and all final orders in any and all non-core matters or proceedings entered only after *de novo* review by a United States District Court Judge; (e) a waiver of the right to move or to withdraw the reference with respect to the subject matter of this Claim, any objection thereto or other proceeding which may be commenced in the Bankruptcy Case against or otherwise involving Silberstein; (f) an election of remedies; or (g) a waiver or limitation of any procedural or substantive rights or defenses to any claim that may be asserted against Silberstein by the Debtors, any official committee of unsecured creditors, trustee or examiner appointed in this case or any subsequent case, or any other party.

9. All notices concerning this Claim should be sent to counsel for Silberstein, c/o Akerman, LLP, Attn.: John Thompson 750 North Street, N.W., Suite 750, Washington, D.C. 20001.

10. All payments concerning this Claim should be sent to Joshua Silberstein, at 10 E Beechcroft Road, Short Hills, NJ 07078.