

RIMON P.C.
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: October 17, 2024
Time: 10:00 a.m.

Objections Due: October 10, 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.,
Debtor.

Case No.: 24-10392 (DSJ)

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**NOTICE OF HEARING ON CHAPTER 7
TRUSTEE’S MOTION FOR AN ORDER PURSUANT
TO BANKRUPTCY RULE 3007(c) AUTHORIZING THE TRUSTEE TO FILE
OMNIBUS OBJECTIONS TO CERTAIN CLAIMS FILED AGAINST THE ESTATE**

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 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 **October 17, 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**, for signature authorizing omnibus claims objections to certain claims filed against the Debtor’s estate (the “Omnibus Objections”) and for such other and further relief as the Court deems just and 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) 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 **October 10, 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
October 3, 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
Courtney M. Roman

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UNITED STATES BANKRUPTCY COURT
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Chapter 7

BUTH-NA-BODHAIGE, INC.,

Case No.: 24-10392 (DSJ)

Debtor.

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**CHAPTER 7 TRUSTEE’S MOTION FOR AN ORDER PURSUANT
TO BANKRUPTCY RULE 3007(c) AUTHORIZING THE TRUSTEE TO FILE
OMNIBUS OBJECTIONS TO CERTAIN CLAIMS FILED AGAINST THE ESTATE**

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”) seeking entry of an order, pursuant to Rule 3007(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rule”), authorizing omnibus objections to certain claims filed against the Debtor’s estate: (i) that are not substantiated by the Debtor’s books and records; (ii) that are improperly classified claims; and (iii) for which claimant has not provided back-up documentation, in a single omnibus objection. The Trustee respectfully sets forth and represents as follows:

PRELIMINARY STATEMENT

1. By Notice of Possible Payment of Dividends and of Last Date to File Claims (ECF Doc. No. 20) (the “Bar Date Notice”), dated March 14, 2024, the Bankruptcy Court established June 17, 2024 as the deadline by which proofs of claim were required to be filed in this case (the “Bar Date”). The Bar Date Notice was mailed to, among others, all parties contained within the Debtor’s Schedules and all those entities who have otherwise indicated an interest in this case.

2. As of the date hereof, approximately 135 proofs of claim (the “Proofs of Claim” and each a “Proof of Claim”) have been filed against the Debtor’s estate. Based upon a preliminary review of the Proofs of Claim, it appears that the Trustee will be objecting to numerous Proofs of Claim filed in this proceeding based upon either (i) the Proof of Claim is not substantiated by the Debtor’s books and records, (ii) the Proof of Claim is improperly classified, (iii) a claimant’s failure to provide back-up documentation substantiating the Proof of Claim, and/or (iv) the claim is unenforceable against the Debtor’s estate (collectively, the “Objections”). Given that so many Proofs of Claim filed in this case require the Trustee to object to them on similar grounds, and in an effort to minimize the administrative expenses to the estate, the Trustee would like to present similar objections to claims in one omnibus motion.

3. Bankruptcy Rule 3007(c) prohibits the joining of objections to multiple claims in a single filed objection, “unless otherwise ordered by the court or permitted by subdivision (d)” of Bankruptcy Rule 3007. *Fed. R. Bankr. P. 3007(c)*. Bankruptcy Rule 3007(d) permits omnibus objections where the objections to be joined fall into one or more of eight different categories, none of which would apply to the Objections. *Fed. R. Bankr. P. 3007(d)*. Accordingly, the Trustee seeks authority to file omnibus objections to certain Proofs of Claim.

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.

1. Until March 8, 2024, the Debtor operated as a cosmetic and skin care retailer that is a subsidiary of the Body Shop International Limited (“TBSI”), a UK based company. Shortly after TBSI entering administration, the Debtor terminated all of its employees, closed all of its retail locations, and filed this chapter 7 case.

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 as the permanent trustee and is acting in that capacity.

RELIEF REQUESTED

6. By this motion, the Trustee respectfully requests that this Court enter an order pursuant to Bankruptcy Rule 3007(c) authorizing them to file multiple objections to Proofs of Claim in a single omnibus pleading (the "Omnibus Objections").

7. Bankruptcy Rule 3007(c) provides that "unless otherwise ordered by the court or permitted by subdivision (d), objections to more than one claim shall not be joined in a single objection." Fed. R. Bankr. P. 3007(c). The advisory committee note to this Bankruptcy Rule provides that the new restriction on the practice of filing omnibus objections to numerous claims is intended to "to ensure the protection of the due process rights of the claimants." *Fed. R. Bankr. P. 3007(c)*, Advisory Committee Note to the 2007 Amendments. Bankruptcy Rule 3007(d) permits omnibus objections where the objections to be joined fall into one or more of eight different categories, none of which would apply to the Objections. *Fed. R. Bankr. P. 3007(d)*. Bankruptcy Rule 3007(e) provides that omnibus objections should contain no more than 100 claims. *Fed. R. Bankr. P. 3007(e)*.

8. The relief requested is warranted given the unnecessary expense on the estate that would result if the Trustee is required to file countless objections to claims where similar relief is requested, and the absence of any meaningful benefit to the Claimants if such Claimants are served with individual pleadings. Moreover, filing Omnibus Objections would allow the Trustee to expeditiously dispose of erroneously asserted Claims and serve to minimize the professional fees associated with resolution of such claims. Accordingly, in the interests of judicial economy and

efficiency, to avoid unnecessary duplication, and to conserve resources of the Debtor's estate, the Trustee seeks authorization to assert Omnibus Objections to certain of the Proofs of Claim.

9. The due process rights of the Claimants will not be prejudiced by any omnibus objection, because: (i) such objection shall set forth the identity of all claimants affected by such objection and will (a) list the claimants in alphabetical order, (b) reference the Claim number being affected, (c) provide reasoning for the Trustee's objection to the Claim; (ii) such objection shall be served on all Claimants affected by such objection; (iii) the Trustee will provide at least 30 days advance notice of the hearing date for such objection (the "Hearing Date"); (iv) the Trustee will provide instructions on how the affected Claimant could contact him to obtain further information regarding resolution of the objections to the Claim, prior to the Hearing Date; and (v) such omnibus objection shall only object to and contain no more than 50 proofs of claim. Therefore, because the interests of judicial economy and efficiency outweigh any minimal risk of prejudice to the affected Claimants, substantial cause exists for the Court to authorize the Trustee to file omnibus objections to the Objectionable Claims.

10. No previous motion for the relief sought herein has been made to this or any other court.

WHEREFORE, the Trustee respectfully requests that this Court enter an order, in substantially the form attached hereto as **Exhibit A**, allowing the Trustee to file Omnibus Objections to the Proofs of Claim. And granting such other and further relief as may be just and proper.

Dated: Jericho, New York
October 3, 2024

RIMON P.C.
Attorneys for Kenneth P. Silverman, Esq.,
Chapter 7 Trustee

By: s/ Brian Powers
 Brian Powers
 Partner
 100 Jericho Quadrangle - Suite 300
 Jericho, New York 11753
 Telephone: (516) 479-6300

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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**ORDER AUTHORIZING THE TRUSTEE TO FILE OMNIBUS
OBJECTIONS TO CERTAIN CLAIMS FILED AGAINST THE ESTATE**

Upon consideration of the motion (the “Motion”) of Kenneth P. Silverman, Esq., the chapter 7 trustee (the “Trustee”) for the bankruptcy estate of Buth-Na-Bodhaige, Inc. (the “Debtor”) seeking entry of an order, pursuant to Rule 3007(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rule”), authorizing omnibus claims objections to certain claims filed against the Debtor’s estate (the “Omnibus Objections”); and it appearing that the relief requested is in the best interests of the Debtor’s estate, its creditors, and all parties-in-interest; and good and sufficient notice having been provided as set forth in the Motion; and upon the hearing on the Motion having been held on October 17, 2024 (the “Hearing”), the record of which is incorporated herein by reference; and notice of the Motion, the Hearing, and the relief sought in the Motion having been good and sufficient under the circumstances; and the Court having determined that the legal and factual bases set forth in the Motion establishing sufficient cause for the relief requested; it is hereby

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

ORDERED, that pursuant to Bankruptcy Rule 3007(c), the Debtor is authorized to object to multiple Claims in Omnibus Objections; and it is further

ORDERED, that the Omnibus Objections shall (a) state in a conspicuous place that claimants receiving the objection should locate their names and claims in the objection; (b) list

claimants alphabetically, provide a cross-reference to claim numbers, and, if appropriate, list claimants by category of claims; (c) state the grounds of the objection to each claim and provide a cross-reference to the pages in the omnibus objection pertinent to the stated grounds; (d) state in the title the identity of the objector and the grounds for the objections; (e) be numbered consecutively with other omnibus objections filed by the same objector; and (f) contain objections to no more than 50 claims.

Dated: New York, New York
October __, 2024

HONORABLE DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE