

Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF MASSACHUSETTS

Case number (if known)

Chapter you are filing under:

Chapter 7

Chapter 11

Chapter 12

Chapter 13

Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

12/15

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, Instructions for Bankruptcy Forms for Non-Individuals, is available.

1. Debtor's name Oak and Ember, Inc.

2. All other names debtor used in the last 8 years DBA El Colibri Restaurante & Tequila Bar

3. Debtor's federal Employer Identification Number (EIN) 46-2871441

4. Debtor's address Principal place of business Mailing address, if different from principal place of business

5. Debtor's website (URL) www.elcolibrirestaurante.com

6. Type of debtor Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

Debtor **Oak and Ember, Inc.**
Name

Case number (if known)

7. Describe debtor's business

A. Check one:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Railroad (as defined in 11 U.S.C. § 101(44))
- Stockbroker (as defined in 11 U.S.C. § 101(53AB))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- Clearing Bank (as defined in 11 U.S.C. § 781(3))
- None of the above

B. Check all that apply

- Tax-exempt entity (as described in 26 U.S.C. §501)
- Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- Investment advisor (as defined in 15 U.S.C. §80a-3)

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.naics.com/search/>.

7225

8. Under which chapter of the Bankruptcy Code is the Debtor filing?

Check one:

- Chapter 7
- Chapter 9

Chapter 11. Check all that apply:

- Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,490,925 (amount subject to adjustment on 4/01/16 and every three years after that).
- The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operation, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- A plan is being filed with this petition.
- Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
- The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- No.
- Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- No
- Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship to you	_____
District	_____	When	_____
		Case number, if known	_____

Debtor **Oak and Ember, Inc.**
Name

Case number (if known)

11. **Why is the case filed in this district?** *Check all that apply:*

Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.

A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. **Does the debtor own or have possession of any real property or personal property that needs immediate attention?**

No

Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? *(Check all that apply.)*

It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard? _____

It needs to be physically secured or protected from the weather.

It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

Other _____

Where is the property? _____
Number, Street, City, State & ZIP Code

Is the property insured?

No

Yes. Insurance agency _____
Contact name _____
Phone _____

Statistical and administrative information

13. **Debtor's estimation of available funds** *Check one:*

Funds will be available for distribution to unsecured creditors.

After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. **Estimated number of creditors**

<input checked="" type="checkbox"/> 1-49	<input type="checkbox"/> 1,000-5,000	<input type="checkbox"/> 25,001-50,000
<input type="checkbox"/> 50-99	<input type="checkbox"/> 5001-10,000	<input type="checkbox"/> 50,001-100,000
<input type="checkbox"/> 100-199	<input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> More than 100,000
<input type="checkbox"/> 200-999		

15. **Estimated Assets**

<input type="checkbox"/> \$0 - \$50,000	<input type="checkbox"/> \$1,000,001 - \$10 million	<input type="checkbox"/> \$500,000,001 - \$1 billion
<input type="checkbox"/> \$50,001 - \$100,000	<input type="checkbox"/> \$10,000,001 - \$50 million	<input type="checkbox"/> \$1,000,000,001 - \$10 billion
<input checked="" type="checkbox"/> \$100,001 - \$500,000	<input type="checkbox"/> \$50,000,001 - \$100 million	<input type="checkbox"/> \$10,000,000,001 - \$50 billion
<input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> More than \$50 billion

16. **Estimated liabilities**

<input type="checkbox"/> \$0 - \$50,000	<input checked="" type="checkbox"/> \$1,000,001 - \$10 million	<input type="checkbox"/> \$500,000,001 - \$1 billion
<input type="checkbox"/> \$50,001 - \$100,000	<input type="checkbox"/> \$10,000,001 - \$50 million	<input type="checkbox"/> \$1,000,000,001 - \$10 billion
<input type="checkbox"/> \$100,001 - \$500,000	<input type="checkbox"/> \$50,000,001 - \$100 million	<input type="checkbox"/> \$10,000,000,001 - \$50 billion
<input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> More than \$50 billion

Debtor **Oak and Ember, Inc.**
Name

Case number (if known)

Request for Relief, Declaration, and Signature

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 4, 2016
MM / DD / YYYY

X /s/ Robert Catania
Signature of authorized representative of debtor

Title President

Robert Catania
Printed name

18. Signature of attorney

X /s/ Joseph S.U. Bodoff
Signature of attorney for debtor

Date January 4, 2016
MM / DD / YYYY

Joseph S.U. Bodoff
Printed name

Rubin and Rudman LLP
Firm name

**50 Rowes Wharf
Boston, MA 02110**
Number, Street, City, State & ZIP Code

Contact phone 617-330-7000 Email address jbodoff@rubinrudman.com

549116
Bar number and State

OAK AND EMBER, INC.
CONSENT OF SOLE DIRECTOR

The undersigned, being the sole Director of Oak and Ember, Inc., do hereby consent to the actions by the following resolutions:

RESOLVED: That this Corporation's President, namely Robert Catania, be and hereby is authorized, empowered and directed, for an on behalf of this Corporation, in its corporate name and under its corporate seal, to execute, acknowledge and verify a Petition under Chapter 11 of the Bankruptcy Code and to cause the same to be filed with the United States Bankruptcy Court for the District of Massachusetts, and to execute and file such other and further instruments, documents, schedules, affidavits, and such other papers, and to take such other and further action as may be necessary, desirable or appropriate in order to better carry out the intent of the resolution adopted pursuant to this Consent or in connection with the said Chapter 7 proceedings; all such instruments, documents, schedules, affidavits and papers to be executed and delivered in such form and to contain such terms and provisions, and all such actions to be performed in such manner, as said President executing or performing the same shall, by his execution or performance thereof determine; and

RESOLVED: That the firm of Rubin and Rudman LLP of 50 Rowes Wharf, Boston, Massachusetts be and hereby is retained as counsel to represent the Corporation in all matters relating to the aforementioned petition and to the aforementioned proceedings under Chapter 11.

RESOLVED: That this Corporation's President be and hereby is authorized, empowered and directed, for and on behalf of this Corporation and in its corporate name, to take such action as said President, acting on behalf of this Corporation, deems necessary, desirable or appropriate.

ACKNOWLEDGEMENT AND CONSENT:

BEING THE SOLE DIRECTOR OF
PROTEGE SOFTWARE SERVICES, INC.



Robert Catania

Dated: December 31, 2015

Fill in this information to identify the case:

Debtor name **Oak and Ember, Inc.**

United States Bankruptcy Court for the: **DISTRICT OF MASSACHUSETTS**

Case number (if known): _____

Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Acme Linenmaster, Inc. 124 Ridgewood Avenue Hyannis, MA 02601	Kevin Reardon 508-778-7598					\$9.66
Cape Fish & Lobster Co., Inc. P.O. Box 753 Centerville, MA 02632	508-771-1122					\$245.25
CC Teknologies, Inc. 28 Marsden Street Brockton, MA 02302	508-444-8810					\$4,124.47
DPF Mashpee LLC c/o Thomas J. Conte, Esq. Mirick, O'Connell, DeMaillie & Lougee 100 Front Street Worcester, MA 01608-1477	tconte@mirickoconnell.com 508-860-1523	non-residential real property lease	Disputed Subject to Setoff			\$38,759.77
Eastern Bank c/o Richard P. Barry, Esq. Barry & Associates 21 Mayor Thomas J. McGrath Hwy, #406 Quincy, MA 02169	rbarry@barrylegal.com 617-770-1199	All Assets		\$485,858.86	\$330,000.00	\$155,858.86
Eversource P.O. Box 660369 Dallas, TX 75266-0369	800-592-2000	utility				\$782.67
Guaranteed Fresh Produce, Inc. 35 Iyannough Road Hyannis, MA 02601	Adam/Rick 508-771-0904					\$758.60

Debtor **Oak and Ember, Inc.**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Mass Dept. of Revenue Bankruptcy Unit P. O. Box 9564 Boston, MA 02114-9564		sales tax				\$6.40
National Grid P.O. Box 11735 Newark, NJ 07101-4735	800-548-8000	utility				\$47.94
NuCO2 LLC P.O. 417902 Boston, MA 02241-7902	800-472-2855					\$265.26
Paul W. Marks Co., Inc. P.O. Box 6300 Chelsea, MA 02150-6300	800-462-0025					\$922.36
Performance Food Service P.O. Box 3024 Springfield, MA 01101	800-388-0257					\$1,136.37
Ralph J. Perry Inc. P.O. Box 339 Hyannis, MA 02601	508-775-3473					\$215.40
Sid Wainer & Son P.O. Box 50240 New Bedford, MA 02745	508-999-6408					\$511.53
Sprague Operating Resources LLC P.O. Box 28922 New York, NY 10087-8922	888-289-4324					\$783.70
Verizon P.O. Box 15124 Albany, NY 12212-5124	877-854-2489	telephone				\$269.46
Wicked Restaurant Dedham, Inc. 6 Commercial Street Mashpee, MA 02649						\$773.01
William & Co. Foods Inc. 135-136 Newmarket Square Boston, MA 02118	Matt O'Brien 617-442-2112					\$132.73

**United States Bankruptcy Court
District of Massachusetts**

In re **Oak and Ember, Inc.** Debtor(s) Case No. _____
Chapter **11**

VERIFICATION OF CREDITOR MATRIX

I, the President of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **January 4, 2016**

/s/ Robert Catania
Robert Catania/President
Signer/Title

ACME LINENMASTER, INC.
124 RIDGEWOOD AVENUE
HYANNIS, MA 02601

CAPE FISH & LOBSTER CO., INC.
P.O. BOX 753
CENTERVILLE, MA 02632

CC TEKNOLOGIES, INC.
28 MARSDEN STREET
BROCKTON, MA 02302

DPF MASHPEE LLC
C/O THOMAS J. CONTE, ESQ.
MIRICK, O'CONNELL, DEMAILLIE & LOUGEE
100 FRONT STREET
WORCESTER, MA 01608-1477

EASTERN BANK
C/O RICHARD P. BARRY, ESQ.
BARRY & ASSOCIATES
21 MAYOR THOMAS J. MCGRATH HWY, #406
QUINCY, MA 02169

EVERSOURCE
P.O. BOX 660369
DALLAS, TX 75266-0369

GUARANTEED FRESH PRODUCE, INC.
35 IYANNOUGH ROAD
HYANNIS, MA 02601

MASS DEPT. OF REVENUE
BANKRUPTCY UNIT
P. O. BOX 9564
BOSTON, MA 02114-9564

NATIONAL GRID
P.O. BOX 11735
NEWARK, NJ 07101-4735

NUCO2 LLC
P.O. 417902
BOSTON, MA 02241-7902

PAUL W. MARKS CO., INC.
P.O. BOX 6300
CHELSEA, MA 02150-6300

PERFORMANCE FOOD SERVICE
P.O. BOX 3024
SPRINGFIELD, MA 01101

RALPH J. PERRY INC.
P.O. BOX 339
HYANNIS, MA 02601

ROBERT CATANIA
565 WHISTLEBERRY DRIVE
MARSTONS MILLS, MA 02648

SHERI CATANIA
565 WHISTLEBERRY DRIVE
MARSTONS MILLS, MA 02648

SID WAINER & SON
P.O. BOX 50240
NEW BEDFORD, MA 02745

SPRAGUE OPERATING RESOURCES LLC
P.O. BOX 28922
NEW YORK, NY 10087-8922

VERIZON
P.O. BOX 15124
ALBANY, NY 12212-5124

WICKED RESTAURANT DEDHAM, INC.
6 COMMERCIAL STREET
MASHPEE, MA 02649

WICKED RESTAURANT, INC.
6 COMMERCIAL STREET
MASHPEE, MA 02649

WILLIAM & CO. FOODS INC.
135-136 NEWMARKET SQUARE
BOSTON, MA 02118

**United States Bankruptcy Court
District of Massachusetts**

In re Oak and Ember, Inc.

Debtor(s)

Case No.

Chapter 11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for Oak and Ember, Inc. in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

None [*Check if applicable*]

January 4, 2016

Date

/s/ Joseph S.U. Bodoff

Joseph S.U. Bodoff

Signature of Attorney or Litigant
Counsel for **Oak and Ember, Inc.**
Rubin and Rudman LLP

**50 Rowes Wharf
Boston, MA 02110
617-330-7000
jbodoff@rubinrudman.com**