Case 09-41107 Doc 1 Filed 11/18/09 Entered 11/18/09 14:08:34 Desc Main B1 (Official Form 1) (1/08) Document Page 1 of 9

	ates Bankruj rict of New J		ourt				Vol	untary Petition
Name of Debtor (if individual, enter Last, First, MicRistorante Paradiso, Inc.	ddle):		Name of Jo	int Debto	or (Spou	se) (Last, First,	Middle):	
All Other Names used by the Debtor in the last 8 ye (include married, maiden, and trade names):	ars					e Joint Debtor is nd trade names)		8 years
Last four digits of Soc. Sec. or Individual-Taxpayer EIN (if more than one, state all): 22-3584789	I.D. (ITIN) No./Con	nplete	Last four di EIN (if mor	_			axpayer I.	D. (ITIN) No./Complete
Street Address of Debtor (No. & Street, City, State 640 Westwood Avenue	& Zip Code):		Street Addr	ess of Jo	int Debt	or (No. & Stree	et, City, St	ate & Zip Code):
River Vale, NJ	ZIPCODE 0767	5						ZIPCODE
County of Residence or of the Principal Place of Bu Bergen	siness:		County of F	Residence	e or of th	ne Principal Pla	ce of Busi	ness:
Mailing Address of Debtor (if different from street	address)		Mailing Ad	dress of .	Joint De	btor (if differen	t from str	eet address):
	ZIPCODE							ZIPCODE
Location of Principal Assets of Business Debtor (if		address abo	ove):				_	
640 Westwood Avenue, River Vale, NJ					T			ZIPCODE 07675
Type of Debtor (Form of Organization) (Check one box.)  ☐ Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. ☐ Corporation (includes LLC and LLP) ☐ Partnership ☐ Other (If debtor is not one of the above entities, check this box and state type of entity below.)  Filing Fee (Check one be attached) ☐ Filing Fee to be paid in installments (Applicable attach signed application for the court's consider is unable to pay fee except in installments. Rule 3A. ☐ Filing Fee waiver requested (Applicable to chapte attach signed application for the court's consider.	Health Care Single Asset U.S.C. § 101 Railroad Stockbroker Commodity Clearing Bar Other  Ta (Chee Debtor is a ta Title 26 of th Internal Revo	Real Estate 1(51B)  Broker nk  ax-Exempt ck box, if ap ax-exempt one United Stenue Code).  Must he debtor I Form  ). Must	Entity pplicable.)  Check one Debtor is Check if: Check all a A plan is Acceptar	box: s a small s not a sn aggregat are less s pplicable s being fil	Ch.	the Petition apter 7 apter 9 apter 11 apter 12 apter 13  bts are primaril tts, defined in 1 01(8) as "incurr ividual primaril sonal, family, o d purpose."  Chapter 11 I s debtor as defin ness debtor as defin ness debtor as contingent liquida 190,000.	n is Filed  Character Action of Check on y consumer 1 U.S.C. and y for a r house-  Debtors  med in 11 Udefined in the debts	e box.)
Statistical/Administrative Information  Debtor estimates that funds will be available for Debtor estimates that, after any exempt property distribution to unsecured creditors.			ors.	,		vith 11 U.S.C. §		THIS SPACE IS FOR COURT USE ONLY
5,0	5,001- 1000 10,000	10,0 25,0	001- 000	25,001- 50,000		50,001- 100,000	Over 100,000	
Estimated Assets		0,001 \$50 million \$10		\$100,000 to \$500		\$500,000,001 to \$1 billion	More that	
Estimated Liabilities		0,001 \$50 million \$10		\$100,00 to \$500		\$500,000,001 to \$1 billion	More tha	

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_ · ·		
Location Where Filed: <b>None</b>	Case Number:	Date Filed:
Location Where Filed:	Case Number:	Date Filed:
Pending Bankruptcy Case Filed by any Spouse, Partner or	Affiliate of this Debtor (If mo	re than one, attach additional sheet)
Name of Debtor: None	Case Number:	Date Filed:
District:	Relationship:	Judge:
Exhibit A  (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)  Exhibit A is attached and made a part of this petition.	(To be completed whose debts are properties of the petitioner of that I have informed the petition chapter 7, 11, 12, or 13 of the explained the relief available under the complete of the co	if debtor is an individual rimarily consumer debts.)  named in the foregoing petition, declare that [he or she] may proceed under the 11, United States Code, and have the ader each such chapter. I further certify the notice required by § 342(b) of the
	Signature of Attorney for Debtor(s)	Date
▼ No  Exhi  (To be completed by every individual debtor. If a joint petition is filed, e  Exhibit D completed and signed by the debtor is attached and ma	-	ch a separate Exhibit D.)
If this is a joint petition:  ☐ Exhibit D also completed and signed by the joint debtor is attach		
		is District for 180 days immediately
☐ There is a bankruptcy case concerning debtor's affiliate, general		
☐ Debtor is a debtor in a foreign proceeding and has its principal plot or has no principal place of business or assets in the United States in this District, or the interests of the parties will be served in reg	but is a defendant in an action or pr	oceeding [in a federal or state court]
Certification by a Debtor Who Reside	es as a Tenant of Residential l	Property
Landlord has a judgment against the debtor for possession of deb		omplete the following.)
(Name of landlord or less	or that obtained judgment)	
(Address of lar	ndlord or lessor)	

Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
 Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the

Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

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Name of Debtor(s):

Ristorante Paradiso, Inc.

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filing of the petition.

(This page must be completed and filed in every case)

**Voluntary Petition** 

Doc 1

Filed 11/18/09

Document

Prior Bankruptcy Case Filed Within Last 8 Years (If more than two, attach additional sheet)

### **Voluntary Petition**

(This page must be completed and filed in every case)

Name of Debtor(s):

Ristorante Paradiso, Inc.

### **Signatures**

### Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under Chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United State Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

ignature of Debtor			
:	-1-4		
ignature of Joint De	eotor		

### Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

I request relief in accordance with chapter 15 of title 11,	United
States Code. Certified copies of the documents required by 11	U.S.C.
§ 1515 are attached.	

Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the
chapter of title 11 specified in this petition. A certified copy of the
order granting recognition of the foreign main proceeding is attached.

Signature of	Foreign Repre	esentative		
Printed Name	e of Foreign R	Lepresentative		

### Signature of Attorney\*

### X /s/ John J. Scura III

Date

Signature of Attorney for Debtor(s)

John J. Scura III Scura, Mealey, Wigfield & Heyer, LLP 1599 Hamburg Turnpike Wayne, NJ 07470-4038

November 18, 2009

### **Signature of Non-Attorney Petition Preparer**

I declare under penalty of perjury that: 1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; 2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h) and 342(b); 3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social Security Number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address	

### information in the schedules is incorrect. Signature of Debtor (Corporation/Partnership)

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

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

Λ /	s/ Salva	tore ba	arone

Signature of Authorized Individual

#### Salvatore Barone

Printed Name of Authorized Individual

### President

Title of Authorized Individual

### November 18, 2009

Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above.

Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.

### B4 (Official Fo Classe 209)-41107 Doc 1 Filed 11/18/09 Entered 11/18/09 14:08:34

# Document Page 4 of 9 United States Bankruptcy Court District of New Jersey

IN RE:		Case No
Ristorante Paradiso, Inc.		Chapter 11
	Debtor(s)	1

### LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

(1)	(2)	(3)	(4)	(5)
Name of creditor and complete mailing address	Name, telephone number and complete mailing	Nature of claim	Indicate if claim	Amount of
including zip code	address, including zip code, of employee, agent	(trade debt,	is contingent,	claim (if
	or department of creditor familiar with claim	bank loan,	unliquidated,	secured also
	who may be contacted	government	disputed or	state value of
		contract, etc.)	subject to setoff	security)
State Of New Jersey, Dept. Of Treasury			Contingent	450,000.00
Division Of Taxation			Unliquidated	
P.O. Box 245; 50 Barrack Street			Disputed	
Trenton, NJ 08695-0245			-	
1st Equity				18,088.66
Chase				13,926.79
201 N Walnut Street #De1-10				•
Wilmington, DE 19801				
Maria Garcia				2,400.00
REG Group				•
55 Flanagan Way, Suite 302				
Secaucus, NJ 07094				
DECLADATION LINDED DEN	I TV OF PER HIRV ON REHALE OF A C	ODDOD ATION	OD DADTNEDCE	11D

### DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP

I, [the president *or* other officer *or* an authorized agent of the corporation][*or* a member *or* an authorized agent of the partnership] named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date:	November 18, 2009	Signature:	/s/ Salvatore Barone

Salvatore Barone, President

(Print Name and Title)

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## $_{B6E \text{ (Official FGASE)}} \Omega_{30} + 1107 \quad Doc 1$

1 continuation sheets attached

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(If known)

IN RE Ristorante Paradiso, Inc.

Debtor(s)

Case No.

### SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. Use a separate continuation sheet for each type of priority and label each with the type of priority.

The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Report the total of amounts entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Report the total of amounts not entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts not entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data. © 1993-2009 EZ-Filing, Inc. [1-800-998-2424] - Forms Software Only Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E. TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets) **Domestic Support Obligations** Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1). Extensions of credit in an involuntary case Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3). Wages, salaries, and commissions Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$10,950\* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4). Contributions to employee benefit plans Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5). Certain farmers and fishermen Claims of certain farmers and fishermen, up to \$5,400\* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6). **Deposits by individuals** Claims of individuals up to \$2,425\* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7). **▼** Taxes and Certain Other Debts Owed to Governmental Units Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8). Commitments to Maintain the Capital of an Insured Depository Institution Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507 (a)(9). Claims for Death or Personal Injury While Debtor Was Intoxicated Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

\* Amounts are subject to adjustment on April 1, 2010, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

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(If known)

IN RE Ristorante Paradiso, Inc.

Debtor(s)

\_ Case No. \_

## SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS (Continuation Sheet)

### **Taxes and Other Certain Debts Owed to Governmental Units**

(Type of Priority for Claims Listed on This Sheet)

			(Type of Priority for Claims Listed on This Sheet	:)					
CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE AND ACCOUNT NUMBER. (See Instructions above.)	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM	AMOUNT ENTITLED TO PRIORITY	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY
ACCOUNT NO.				X	X	X			
State Of New Jersey, Dept. Of Treasury Division Of Taxation P.O. Box 245; 50 Barrack Street Trenton, NJ 08695-0245							450,000.00	450,000.00	
ACCOUNT NO.									
ACCOUNT NO.									
ACCOUNT NO.									
ACCOUNT NO.									
ACCOUNT NO.									
Sheet no1 of1 continuation sheets Schedule of Creditors Holding Unsecured Priority	s att	ached aims	to (Totals of th	_	pag	ge)	\$ 450,000.00	\$ 450,000.00	\$
(Use only on last page of the com	plet	ed Sch	edule E. Report also on the Summary of Sch		To:		\$ 450,000.00		
(Us report also on th	e oi	nly on atistic	last page of the completed Schedule E. If ap al Summary of Certain Liabilities and Relate	plic	To ab	le,		\$ 450,000.00	\$

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(If known)

IN RE Ristorante Paradiso, Inc.

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Debtor(s)

Case No. \_

### DECLARATION CONCERNING DEBTOR'S SCHEDULES

### DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I l true and correct to the best of my knowled		es, consisting of sheets, and that they are
Date:	Signature:	Debtor
Date:	Signature:	
		(Joint Debtor, if any) [If joint case, both spouses must sign.]
DECLARATION AND SIGNAT	URE OF NON-ATTORNEY BANKRUPTCY PET	TTION PREPARER (See 11 U.S.C. § 110)
compensation and have provided the debtor vand 342 (b); and, (3) if rules or guidelines h	with a copy of this document and the notices and introduced been promulgated pursuant to 11 U.S.C. § 110 are debtor notice of the maximum amount before prepared to the maximum amount before the maximum	n 11 U.S.C. § 110; (2) I prepared this document for formation required under 11 U.S.C. §§ 110(b), 110(h), 0(h) setting a maximum fee for services chargeable by paring any document for filing for a debtor or accepting
Printed or Typed Name and Title, if any, of Bankru If the bankruptcy petition preparer is not an responsible person, or partner who signs the	n individual, state the name, title (if any), address	Social Security No. (Required by 11 U.S.C. § 110.) s, and social security number of the officer, principal,
Address		
Signature of Bankruptcy Petition Preparer		Date
Names and Social Security numbers of all oth is not an individual:	er individuals who prepared or assisted in preparing	this document, unless the bankruptcy petition preparer
If more than one person prepared this docum	nent, attach additional signed sheets conforming to	o the appropriate Official Form for each person.
A bankruptcy petition preparer's failure to comprisonment or both. 11 U.S.C. § 110; 18		l Rules of Bankruptcy Procedure may result in fines or
DECLARATION UNDER P	ENALTY OF PERJURY ON BEHALF OF C	ORPORATION OR PARTNERSHIP
I, the <b>President</b>	(the president or other offi	cer or an authorized agent of the corporation or a
(corporation or partnership) named as de		rjury that I have read the foregoing summary and I that they are true and correct to the best of my
Date: <b>November 18, 2009</b>	Signature: /s/ Salvatore Barone	
	Salvatore Barone	(Print or type name of individual signing on behalf of debtor)

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

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IN RE:		Case No	
Ristorante Paradiso, Inc.		Chapter 11	
	Debtor(s)	_	
VERIFICATION OF CREDITOR MATRIX			
The above named debtor(s) hereby verify(ies) that the attached matrix listing creditors is true to the best of my(our) knowledge.			
Date: <b>November 18, 2009</b>	Signature: /s/ Salvatore Barone		
	Salvatore Barone, President	Debtor	
Date:	Signature:		
	-	Joint Debtor, if any	

Chase 201 N Walnut Street #Del-10 Wilmington, DE 19801

Maria Garcia REG Group 55 Flanagan Way, Suite 302 Secaucus, NJ 07094

State Of New Jersey, Dept. Of Treasury Division Of Taxation P.O. Box 245; 50 Barrack Street Trenton, NJ 08695-0245