



<b>Voluntary Petition</b> <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): <b>LAGUARDIA TAVERN CORP.,</b> <b>a Corporation</b>	
<b>All Prior Bankruptcy Cases Filed Within Last 8 Years</b> (If more than two, attach additional sheet)			
Location Where Filed:	Case Number:	Date Filed:	
<b>NONE</b>			
Location Where Filed:	Case Number:	Date Filed:	
<b>Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor</b> (If more than one, attach additional sheet)			
Name of Debtor:	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
<b>Exhibit A</b> (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)  <input checked="" type="checkbox"/> Exhibit A is attached and made a part of this petition		<b>Exhibit B</b> (To be completed if debtor is an individual whose debts are primarily consumer debts) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. §342(b).  <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> <b>X</b>            _____            Signature of Attorney for Debtor(s)         </div> <div style="text-align: right;"> <b>05/17/2007</b>            _____            Date         </div> </div>	
<b>Exhibit C</b> Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?  <input type="checkbox"/> Yes, and exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No			
<b>Exhibit D</b> (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)  <input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made part of this petition. If this is a joint petition: <input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
<b>Information Regarding the Debtor - Venue</b> (Check any applicable box)			
<input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, 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.			
<input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.			
<input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
<b>Statement by a Debtor Who Resides as a Tenant of Residential Property</b> (Check all applicable boxes.)			
<input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)			
_____ (Name of landlord that obtained judgment)			
_____ (Address of landlord)			
<input type="checkbox"/> 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			
<input type="checkbox"/> Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.			

**Voluntary Petition**

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

Name of Debtor(s):

**LAGUARDIA TAVERN CORP.,  
a Corporation****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 States 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. § 342(b)

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

**X**

Signature of Debtor

**X**

Signature of Joint Debtor

Telephone Number (if not represented by attorney)

Date

**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.**X**

(Signature of Foreign Representative)

(Printed name of Foreign Representative)

05/17/2007

(Date)

**Signature of Attorney****X /s/ JONATHAN S. PASTERNAK, ESQ.**

Signature of Attorney for Debtor(s)

**JONATHAN S. PASTERNAK, ESQ. 6107**

Printed Name of Attorney for Debtor(s)

**RATTET, PASTERNAK & GORDON OLIVER, LLP**

Firm Name

**550 MAMARONECK AVENUE**

Address

**SUITE 510****HARRISON, NY 10528****(914) 381-7400**

Telephone Number

**05/17/2007**

Date

**Signature of Non-Attorney Bankruptcy 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); and, (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 19B 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

**X**

Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

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.***Signature of Debtor (Corporation/Partnership)**

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

**X /s/ ROBERT AGNEW**

Signature of Authorized Individual

**ROBERT AGNEW**

Printed Name of Authorized Individual

**President**

Title of Authorized Individual

**05/17/2007**

Date

RATTET, PASTERNAK & GORDON OLIVER, LLP  
Proposed Attorneys for the Debtor  
550 Mamaroneck Avenue  
Harrison, New York 10528  
(914) 381-7400

JONATHAN S. PASTERNAK (JP-6107)  
DAWN K. ARNOLD (DA-0642)

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11

Case No. 07 B \_\_\_\_\_( )

La Guardia Tavern Corp.  
d/b/a Society  
d/b/a Newgate Bar and Grill,

Debtor.

Tax ID: 20-0850497

-----X

**AFFIDAVIT PURSUANT TO LOCAL BANKRUPTCY RULE 1007-2**

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF NEW YORK                )

ROBERT THOMAS AGNEW, JR, being duly sworn, deposes and says:

1. I am the President, and sole director of LaGuardia Tavern Corp. d/b/a Society, a New York Corporation with an address at 535 LaGuardia Place, New York, New York ("Petitioner"). Pursuant to Bankruptcy Rule 1007(d) and Local Rule of this Court 1007-2, the Debtor provides the following information.

**Local Rule 1007-2(a)(1)**

3. The Debtor is in the business of owning and operating a restaurant and bar (the "Restaurant") located at 535 LaGuardia Place, New York, New York. The restaurant provides a

casual eating environment in the New York University area, with both indoor and outdoor café seating.

4. The circumstances leading to this Chapter 11 filing involve the Debtor's landlord. In or about early 2006, the landlord was replacing of the roof on the building where the Debtor operates. The roof collapsed, causing extreme damage to the premises. The Debtor had only recently completely renovated the premises, in late 2004, so the roof collapse was especially devastating to the Debtor's financial position. During 2006, the Debtor spent its own funds repairing the damage to the restaurant. Although the Debtor received a nominal reimbursement from its own business insurance, the landlord is primarily responsible for the damage caused by the landlord's work on the roof. The Debtor has been in negotiations with the landlord's Department of Insurance and Risk Management since 2006. Initially, the Landlord was very cooperative in working out the correct number, but ultimately the Debtor has been unable to finalize the settlement.

5. In the meantime, the Debtor fell behind in rent during 2006, primarily because of the additional repair costs caused by the landlord, loss of business and ballooning litigations costs with the landlord. Also in 2006, the landlord served a notice alleging a violation of the Debtor's lease, in short that the restaurant is more of a bar than a restaurant, and thus is in violation of its lease. The Debtor absolutely disputes the Landlord allegation and obtained a Yellowstone injunction in 2006. The Debtor serves a full lunch and dinner menu, with nearly the same set-up as the prior restaurant at the premises, exactly the same pre-existing bar, with a clean and modern face-lift from refurbishment costs invested.

6. The Debtor intends to reorganize its business in Chapter 11.

**Local Rule 1007-2(a)(2)**

7. This case was not originally commenced under Chapter 7 or 13 of the Bankruptcy Code.

**Local Rule 1007-2(a)(3)**

8. Upon information and belief, no committee was organized prior to the order for relief in this Chapter 11 case.

**Local Rule 1007-2(a)(4)**

9. The names and addresses of the twenty (20) largest unsecured creditors excluding (i) those creditors who or which would not be entitled to vote at a creditors' meeting under 11 U.S.C. Section 702; (ii) such creditors who were employees of the Debtor at the time of the filing of its petition for reorganization; and (iii) creditors who are "insiders" as that term is defined in 11 U.S.C. Section 101(31) are annexed hereto as Exhibit "A".

**Local Rule 1007-2(a)(5)**

10. The names and addresses of the five largest secured creditors are annexed hereto as Exhibit "B".

**Local Rule 1007-2(a)(6)**

11. A summary of the Petitioner's assets and liabilities is annexed as Exhibit "C".

**Local Rule 1007-2(a)(7)**

12. The Petitioner does not have any publicly held shares of stock, debentures or other securities.

**Local Rule 1007-2(a)(8)**

13. None of the Debtor's property is in the possession or custody of any custodian, public officer, mortgagee, pledge, assignee of rents, or secured creditor, or any agent for such

entity.

**Local Rule 1007-3(a)(9)**

14. The Debtor operates its business pursuant to a non-residential real property lease dated February 28, 2000 for the premises known as 535 LaGuardia Place, New York, New York between New York University, as landlord, and Spring Street Cuisine Corporation, as tenant, as assigned pursuant to an Assignment and Assumption of Lease dated March 25, 2004, between Spring Street Cuisine Corporation as assignor and LaGuardia Tavern Corp as assignee, with the consent of New York University, as landlord.

**Local Rule 1007-2(a)(10)**

15. The Debtor's substantial assets are located at the Restaurant premises, 535 LaGuardia Place, New York, NY.

**Local Rule 1007-2(a)(11)**

16. The Debtor is a plaintiff in the following Yellowstone Action, LaGuardia Tavern Corp. d/b/a Newgate Bar and Grill v. New York University and Richard Landman, Supreme Court, New York County, Index No. 105694/06. No judgment of possession has been entered in that case.

**Local Rule 1007-2(a)(12)**

17. The Debtor's senior management is comprised of Robert Agnew. Mr. Agnew oversees the day-to-day operations of the business and has done so since 2004.

**Local Rule 1007-2(b)(1)**

18. The estimated weekly payroll to employees (exclusive of officers, directors, stockholders and partners) for the thirty (30) day period following the filing of the chapter 11 petition is \$4,000.

**Local Rule 1007-2(b)(2)**

19. The estimated amount to be paid for services to its officer, director and shareholders for the thirty (30) day period following the filing of the Chapter 11 petition is zero (\$ 0).

**Local Rule 1007-2(b)(3)**

20. The estimated schedule of cash receipts and disbursements for the thirty (30) day period following the filing of the Chapter 11 petition, net cash gain or loss, obligations and receivables expected to accrue but remaining unpaid, other than professional fees is annexed as Exhibit "D".

**Conclusion**

21. In addition to the foregoing, a copy of the corporate resolution authorizing the filing of the instant Chapter 11 petition is annexed as Exhibit "E" and a list of all shareholders, directors and officers is annexed as Exhibit "F".

22. The Debtor believes it is in the best interests of all of its creditors that it be afforded an opportunity to refinance and reorganize its obligations in Chapter 11.

23. The needs and interests of the Debtor and its creditors will best be served by the Debtor's possession of its assets and management of its affairs as a Debtor-in-Possession under Chapter 11 until confirmation of a reorganization plan.

*/s/ Robert Thomas Agnew, Jr.*

\_\_\_\_\_  
Robert Thomas Agnew, Jr.

Sworn to before me this  
17<sup>th</sup> day of May, 2007

*/s/ Johnathan C. Lerner*

Notary Public



## **EXHIBIT "A"**

### **TWENTY LARGEST UNSECURED CREDITORS**

\* List does not include insiders within the meaning of 11 U.S.C. Section 101(14)

<b><u>Name of Creditor</u></b>	<b><u>Estimated Amount</u></b>
New York University c/o Belkin Burden Wenig & Goldman LLP 270 Madison Ave. New York, NY 10016	\$138,424.92 (disputed)
M&T Bank One M&T Plaza Main Street at North Division, Buffalo, NY 14203	\$73,000
New York State Department Of Taxation and Finance JAF Building PO Box 1205 New York, NY 10116	\$35,000
Brad Coleman	\$29,000
Solamon & Solamon	\$7,500
Sysco 20 Theodore Conrad Dr. Jersey City, NY 07305-4614	\$9,936.94
Consolidated Edison JAF Station PO Box 17702 New York, New York 10116	\$6,413.45
Consolidated Edison JAF Station PO Box 17702 New York, New York 10116	\$3,769.01

Empire	\$3,471.94
Anheuser Busch 55001 Second Street PO Box 1392 Long Island City, New York 11101	\$918.89
All County Soda	\$874.60
Artic Glacier 1654 Marhtlaer Lane West St. Paul, MN 55118	
Ecolab PO Box 6007 Grand Forks, ND 58206	\$ 455.18
Auto Chlor 865 Gotham Parkway Carlstadt, NJ 07072-2403	\$352.78
Verizon PO Box 15124 Albany, New York 12212	\$337.58
Fury Distribution	\$312.00

**EXHIBIT "B"**

**FIVE LARGEST SECURED CREDITORS**

<b><u>Name</u></b>	<b><u>Estimated Amount</u></b>
M&T Bank One M&T Plaza Main Street at North Division, Buffalo, NY 14203	\$73,000
Marlin Leasing P.O. Box 13604 Philadelphia, PA 19101-3604	\$7,500

**EXHIBIT "C"**

**SUMMARY OF ASSETS AND LIABILITIES**

**TO BE PROVIDED**

**EXHIBIT "D"**

**SCHEDULE OF CASH RECEIPTS AND DISBURSEMENTS FOR THE THIRTY DAY  
PERIOD FOLLOWING FILING OF THE CHAPTER 11 PETITION**

**TO BE PROVIDED**

**EXHIBIT "E"**

**RESOLUTION**

The undersigned, president and sole director of LaGuardia Tavern Corp., a corporation organized under the laws of the State of New York (the "Company"), does hereby certify that at a duly called meeting of the Board of Directors held on the 17<sup>th</sup> day of May, 2007, the following resolutions were adopted, and they have not been modified or rescinded, and are still in full force and effect:

"RESOLVED, that in the judgment of the Company, it is desirable and in the best interests of the Company, that its officers be empowered to cause a petition under Chapter 11 of the Bankruptcy Code to be filed by the Company upon such date, and in the event, in their discretion, such action should become necessary for the protection of the Company and the preservation of its assets without further notice to the officers of the Company; and it is further

RESOLVED, that the Officers of the Company, or any of them, be and they hereby are authorized on behalf of the Company to execute and file all petitions, schedules, lists and other papers and to take any and all action which they may deem necessary or proper in connection with such proceedings under Chapter 11, and in that connection to retain and employ Rattet, Pasternak & Gordon Oliver, LLP, and to retain and employ all assistance by other legal counsel or otherwise which they may deem necessary or proper with a view to the successful conclusion of such reorganization case."

**IN WITNESS WHEREOF**, I have hereunto set my hand, this 17<sup>th</sup> day of May, 2007.

*/s/ Robert Thomas Agnew, Jr.*

\_\_\_\_\_  
Robert Thomas Agnew, Jr.

Sworn to before me this  
17<sup>th</sup> day of May, 2007

*/s/ Johnathan C. Lerner*  
Notary Public

## **EXHIBIT "E"**

Officers: Robert Agnew, sole officer

Directors: Robert Agnew, sole director

Shareholders:

Robert Agnew	24%
Stephen Sokolar	25%
David Moritz	25%
Kevin Torrey	6%
Chris Romano	5%
David Pomponio	5%
Daniel McRedmond	4%
Sean Twitty	3%
Juan Vasquez	3%

RATTET, PASTERNAK & GORDON OLIVER, LLP  
Proposed Attorneys for the Debtor  
550 Mamaroneck Avenue  
Harrison, New York 10528  
(914) 381-7400  
JONATHAN S. PASTERNAK (JP-6107)  
DAWN K. ARNOLD (DA-0642)

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

Case No. 07 B \_\_\_\_\_( )

La Guardia Tavern Corp.  
d/b/a Society  
d/b/a Newgate Bar and Grill,

Debtor.

Tax ID: 20-0850497

-----X

**CERTIFICATION OF MATRIX**

ROBERT THOMAS AGNEW, JR., being duly sworn, deposes and says that he is the President of the above-captioned Petitioner (the "Petitioner"), and that the within List of Creditors made pursuant to the Local Rules of this Court is true, complete and correct to the best of deponent's knowledge and, based upon information and belief, contains the names and post office address, including zip codes, of the Petitioner's creditors, and appropriate taxing authorities.

/s/ Robert Thomas Agnew, Jr.  
Robert Thomas Agnew, Jr., President

Sworn to before me this  
17<sup>th</sup> day of May, 2007

Johnathan C. Lerner  
Notary Public



## MATRIX

Office of the United States Trustee  
33 Whitehall Street, 21<sup>st</sup> Floor  
New York, New York 10004

City of New York Department Finance  
P.O. Box 32  
Church Street Station  
New York, NY 10008-0032

Internal Revenue Service  
10 Metro Tech Center  
625 Fulton Street  
Brooklyn, New York 11201

Securities & Exchange Commission  
Northeast Regional Building  
Woolworth Building  
233 Broadway  
New York, New York 10279

John J. D'Emic, Esq.  
7703 Fifth Avenue  
Brooklyn, New York 11209

David A. Kaminsky & Associates, P.C.  
Attention: Ron Kaplan, Esq.  
325 Broadway, Suite 504  
New York, New York 10007-3646

New York University  
c/o Belkin, Burden, Wenig & Goldman LLP  
Attention: Joseph Burden, Esq.  
270 Madison Avenue  
New York, New York 10016

New York State Department  
Of Taxation and Finance  
JAF Building  
PO Box 1205  
New York, NY 10116

Solamon & Solamon

Sysco  
20 Theodore Conrad Dr.  
Jersey City, NY 07305-4614

Consolidated Edison  
JAF Station  
PO Box 17702  
New York, New York 10116

Consolidated Edison  
JAF Station  
PO Box 17702  
New York, New York 10116

Empire

Anheseur Busch  
55001 Second Street  
PO Box 1392  
Long Island City, New York 11101

All County Soda

Artic Glacier  
1654 Marhtlaer Lane  
West St. Paul, MN 55118

Ecolab  
PO Box 6007  
Grand Forks, ND 58206

Auto Chlor  
865 Gotham Parkway  
Carlstadt, NJ 07072-2403

Verizon  
PO Box 15124  
Albany, New York 12212

Fury Distribution