

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

Case number (if known) Chapter 11

☐ Check if this an  
amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

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	K&H RESTAURANT, INC.	
2. All other names debtor used in the last 8 years	Include any assumed names, trade names and doing business as names	
3. Debtor's federal Employer Identification Number (EIN)	55-0812049	
4. Debtor's address	Principal place of business	Mailing address, if different from principal place of business
	511 Lexington Avenue New York, NY 10017 Number, Street, City, State & ZIP Code  New York County	P.O. Box, Number, Street, City, State & ZIP Code  Location of principal assets, if different from principal place of business  Number, Street, City, State & ZIP Code
5. Debtor's website (URL)		
6. Type of debtor	<input checked="" type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) <input type="checkbox"/> Partnership (excluding LLP) <input type="checkbox"/> Other. Specify:	

Debtor K&H RESTAURANT, 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(53A))  
☐ 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. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.  
 See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

**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 \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 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 operations, 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 _____
District _____	When _____ Case number, if known _____

Debtor K&H RESTAURANT, 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**

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

**15. Estimated Assets**

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☒ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

**16. Estimated liabilities**

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☒ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor K&H RESTAURANT, INC.  
Name

Case number (if known) \_\_\_\_\_

**Request for Relief, Declaration, and Signatures**

**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 November 12, 2016  
MM / DD / YYYY

**X** /s/ Mr. Adel Kellel  
Signature of authorized representative of debtor  
  
Title President

Mr. Adel Kellel  
Printed name

**18. Signature of attorney** **X** /s/ Gabriel Del Virginia, Esq.  
Signature of attorney for debtor

Date November 12, 2016  
MM / DD / YYYY

Gabriel Del Virginia, Esq.  
Printed name

LAW OFFICES OF GABRIEL DEL VIRGINIA  
Firm name

30 Wall Street,  
12th Floor,  
New York, NY 10005  
Number, Street, City, State & ZIP Code

Contact phone 212-371-5478

Email address gabriel.delvirginia@verizon.net

(GDV-4951)  
Bar number and State

**Fill in this information to identify the case:**

Debtor name K&H RESTAURANT, INC.  
 United States Bankruptcy Court for the: SOUTHERN DISTRICT OF NEW YORK  
 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 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
Diamondrock NY Lex Owner, LLC c/o Wilk Auslander, LLP 1515 Broadway New York, NY 10036		Unexpired lease of nonresidential real property	Contingent Unliquidated Disputed			\$0.00
Internal Revenue Service c/o US Attorneys Office-SDNY 86 Chambers Street New York, NY 10007		Notice	Contingent Unliquidated Disputed			\$0.00
IRS/Centralized Insolvency Post Office Box 7346 Philadelphia, PA 19101-7346		Notice	Contingent Unliquidated Disputed			\$0.00
NY City Law Department Corporation Counsel 100 Church Street New York, NY 10007		Notice	Contingent Unliquidated Disputed			\$0.00
NY Hotels Motels Trades c/o Pitta Giblin, Esqs 120 Broadway--28th Floor New York, NY 10271		Union	Contingent Unliquidated Disputed			\$15,000.00

Debtor K&H RESTAURANT, 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,	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
NY Hotels Trades Council c/o Pitta Giblin, Esqs 120 Broadway--28th Floor New York, NY 10271		Benefits	Contingent Unliquidated Disputed			\$146,000.00
NY State Insurance Fund 199 Church Street New York, NY 10007		Notice	Unliquidated Disputed			\$0.00
NYS Dept of Tax & Finance Bankruptcy Unit-TCD Building 8, Room 455 W.A. Harr Albany, NY 12227		Notice	Contingent Unliquidated Disputed			\$0.00

DIAMONDROCK NY LEX OWNER, LLC  
C/O WILK AUSLANDER, LLP  
1515 BROADWAY  
NEW YORK, NY 10036

INTERNAL REVENUE SERVICE  
C/O US ATTORNEYS OFFICE-SDNY  
86 CHAMBERS STREET  
NEW YORK, NY 10007

IRS/CENTRALIZED INSOLVENCY  
POST OFFICE BOX 7346  
PHILADELPHIA, PA 19101-7346

NY CITY LAW DEPARTMENT  
CORPORATION COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007

NY HOTELS MOTELS TRADES  
C/O PITTA GIBLIN, ESQS  
120 BROADWAY--28TH FLOOR  
NEW YORK, NY 10271

NY HOTELS TRADES COUNCIL  
C/O PITTA GIBLIN, ESQS  
120 BROADWAY--28TH FLOOR  
NEW YORK, NY 10271

NY STATE INSURANCE FUND  
199 CHURCH STREET  
NEW YORK, NY 10007

NYS DEPT OF TAX & FINANCE  
BANKRUPTCY UNIT-TCD  
BUILDING 8, ROOM 455 W.A. HARR  
ALBANY, NY 12227

**United States Bankruptcy Court  
Southern District of New York**

In re K&H RESTAURANT, 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 K&H RESTAURANT, 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*]

November 12, 2016

Date

/s/ Gabriel Del Virginia, Esq.

Gabriel Del Virginia, Esq. (GDV-4951)

**Signature of Attorney or Litigant**

**Counsel for** K&H RESTAURANT, INC.

LAW OFFICES OF GABRIEL DEL VIRGINIA

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12th Floor,

New York, NY 10005

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