

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 SALTIMBANCO, LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

DBA Osteria del Circo

3. Debtor's federal Employer Identification Number (EIN) 27-0500527

4. Debtor's address

Principal place of business

Mailing address, if different from principal place of business

120 WEST 55TH STREET
New York, NY 10019

Number, Street, City, State & ZIP Code

P.O. Box, Number, Street, City, State & ZIP Code

New York
County

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

Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

Partnership (excluding LLP)

Other. Specify:

Debtor **SALTIMBANCO, LLC**
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	RESTAURANT SALTIMBANCO INC.	Relationship	AFFILIATE
District	SOUTHERN DISTRICT OF NEW YORK	When	3/24/17
		Case number, if known	_____

Debtor **SALTIMBANCO, LLC**
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 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 checked="" 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 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 |

Debtor **SALTIMBANCO, LLC**
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 3/24/2017
MM / DD / YYYY

X Marco Maccioni
Signature of authorized representative of debtor
Title Managing Member

Marco Maccioni
Printed name

18. Signature of attorney

X [Signature]
Signature of attorney for debtor

Date 3/24/17
MM / DD / YYYY

A. MITCHELL GREENE
Printed name

ROBINSON BROG LEINWAND GREENE GENOVESE & GLUCK P.C.
Firm name

875 THIRD AVENUE
New York, NY 10022
Number, Street, City, State & ZIP Code

Contact phone (212) 603-6300 Email address _____

Bar number and State _____

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11

**SALTIMBANCO, LLC,
D/B/A OSTERIA DEL CIRCO**

Case No.

Debtor.

-----X

CERTIFICATION OF RESOLUTION

I, the undersigned, Marco Maccioni, as Managing Member of Saltimbanco, LLC d/b/a Osteria Del Circo (the “Company”), do hereby certify that at a meeting of the Company duly called and held on **March 24, 2017**, the following resolutions were adopted and recorded in the Minute Book of the Company, 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 interest of the Company, its creditors, partners and other interested parties, that a petition be filed by the Company for relief under Chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”); and it is further

“RESOLVED, that the form of petition under Chapter 11 presented to this meeting is approved and adopted in all respects, and that Marco Maccioni, as Managing Member of the Company, is authorized to execute and verify a petition substantially in such form and to cause the same to be filed with the United States Bankruptcy Court for the Southern District of New York at such time as he shall determine; and it is further

“RESOLVED, that Marco Maccioni, as Managing Member of the Company, is authorized to execute and file all petitions, reorganization schedules, lists and other papers and to take any and all other actions which he may deem necessary or proper in connection with such Chapter 11 case, and, in that connection, that the firm of Robinson Brog Leinwand Greene Genovese & Gluck P.C. be retained and employed as legal counsel for the Company under a general retainer, in addition to such

special counsel as may hereafter become necessary or proper with a view to the successful conclusion of such Chapter 11 case.”

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Company this
24th day of **March, 2017**.

By: 
Marco Maccioni
Managing Member

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 11

**SALTIMBANCO, LLC,
D/B/A OSTERIA DEL CIRCO**

Case No.

Debtor.

-----X

AFFIDAVIT PURSUANT TO LOCAL RULE 1007-2

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

Marco Maccioni, being duly sworn, deposes and says:

1. I am the managing member of **Saltimbanco, LLC d/b/a Osteria Del Circo** (the “Debtor”), and am fully familiar with the facts set forth herein.
2. The Debtor operates an upscale Italian restaurant located at 120 West 55th Street, New York, New York.
3. No pre-petition committee was organized prior to the Order for relief.
4. The Debtor has no secured creditors..
5. A summary of the Debtor's assets and liabilities will be set forth on the summary of schedules to be filed.
6. The names and addresses of the twenty largest unsecured creditors, excluding insiders, appears on Exhibit “A” to this affidavit.
7. All suits or proceedings in which the Debtor is named as a party will be listed in the Debtor’s Statement of Financial Affairs to be filed.
8. No property of the Debtor is in the possession and control of a receiver for the benefit of mortgagees and creditors.

9. The Debtor's financial condition was precipitated by an increase in expenses, including, among other things, expenses related to payroll that could not be sustained by the Debtor's current operations. The Debtor was in the process of reducing expenses, however, despite its recent efforts, it was not able to maintain its obligations under its lease causing the landlord to notice the Debtor with a default under the lease.

10. The purpose of filing this petition is to preserve the assets of the Debtor for the benefit of the creditors and to preserve priorities of creditors.

11. The estimated operating expense of the Debtor for the next **thirty days** is:

INCOME

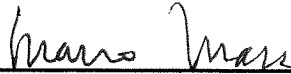
Total Estimated Income: \$232,681

EXPENSES

Costs - Food	\$49,510
Costs - Wine	\$14,777
Costs - Liquor/Beer	\$3,726
Kitchen - Payroll	\$53,629
Service - Payroll	\$42,054
Dishwashers	\$13,568
Officer Salaries	\$10,417
P/R Taxes/ Empl Benefits	\$13,000
Occupancy	\$28,726
Operating Expenses	\$17,507
Utilities	\$21,968
Administrative and General	\$15,000
Repairs & Maintenance	\$8,799
Credit Card Commissions	\$9,630
Banquet	\$170
Public Relations/Marketing	\$1,900

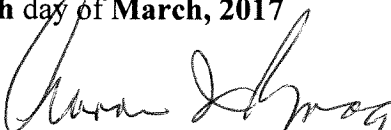
Total Estimated Expenses: \$304,380

NET INCOME: \$(71,699)



Marco Maccioni
Managing Member

Sworn to before me this
24th day of March, 2017



Notary Public, State of New York

AVRON I. BROG
Notary Public, State of New York
No. 02BR0431200
Qualified in New York County
Commission Expires Aug. 31, 20 17