

Fill in this information to identify your case:

United States Bankruptcy Court for the:

WESTERN 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 Oshun LLC

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) 46-4021524

4. Debtor's address

<b>Principal place of business</b>	<b>Mailing address, if different from principal place of business</b>
<u>5 East Huron</u> <u>Buffalo, NY 14203-1403</u> Number, Street, City, State & ZIP Code	<u>c/o Vincent Guarino</u> <u>6 Cloister Court</u> <u>Amherst, NY 14226</u> P.O. Box, Number, Street, City, State & ZIP Code
<u>Erie</u> County	<b>Location of principal assets, if different from principal place of business</b> _____ Number, Street, City, State & ZIP Code

5. Debtor's website (URL) http://www.oshunseafood.com/

6. Type of debtor

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

Partnership (excluding LLP)

Other. Specify: \_\_\_\_\_

**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>.

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 \$2,566,050 (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 _____

**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 **Oshun 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 **August 2, 2016**  
MM / DD / YYYY

**X /s/ Vincent Guarino**  
Signature of authorized representative of debtor  
Title **Principal**

**Vincent Guarino**  
Printed name

**18. Signature of attorney**

**X /s/ Arthur G. Baumeister, Jr.**  
Signature of attorney for debtor

Date **August 2, 2016**  
MM / DD / YYYY

**Arthur G. Baumeister, Jr.**  
Printed name

**Amigone, Sanchez & Mattrey LLP**  
Firm name

**1300 Main Place Tower**  
**350 Main Street**  
**Buffalo, NY 14202**  
Number, Street, City, State & ZIP Code

Contact phone **(716) 852-1300** Email address **abaumeister@amigonesanchez.com**

Bar number and State

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

Debtor name **Oshun LLC**

United States Bankruptcy Court for the: **WESTERN 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
C.A. Curtze Co. 1717 12th Street Erie, PA 16512		Commercial restaurant equipment	Unliquidated			\$35,000.00
Schneider's Fish and Seafood Corp. 2150 Old Union Road Buffalo, NY 14227		Trade vendor	Unliquidated			\$3,000.00
Tarantino Foods 530 Bailey Avenue Buffalo, NY 14206		Food vendor	Unliquidated			\$14,000.00

Buffalo & Erie Co. Regional Dev. Corp.  
95 Perry Street  
Buffalo, NY 14203

Buffalo & Erie Co. Regional Dev. Corp.  
c/o Harris Beach PLLC  
726 Exchange Street, Suite 1000  
Buffalo, NY 14210

C.A. Curtze Co.  
1717 12th Street  
Erie, PA 16512

Christopher Moen  
77 Broadway, Suite 112  
Buffalo, NY 14203

Downtown CBD Investors LLC  
c/o Iskalo Development Corp.  
Harbinger Square  
5166 Main Street  
Williamsville, NY 14221

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Iskalo Development Corp.  
c/o Terrance M. Gilbride, Esq.  
Hodgson Russ LLP  
Guranty Building, 140 Pearl Street  
Buffalo, NY 14203

M&T Bank  
One M&T Plaza  
Buffalo, NY 14203

New York State Department of  
Taxation and Finance  
Tax Compliance Central Office  
W.A. Hariman Campus  
Albany, NY 12227

Schneider's Fish and Seafood Corp.  
2150 Old Union Road  
Buffalo, NY 14227

Tarantino Foods  
530 Bailey Avenue  
Buffalo, NY 14206

Vend Lease Company Inc.  
8100 Sandpiper Circle, Suite 300  
Baltimore, MD 21236

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

In re **Oshun LLC**

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 **Oshun LLC** 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*]

**August 2, 2016**

Date

**/s/ Arthur G. Baumeister, Jr.**

**Arthur G. Baumeister, Jr.**

Signature of Attorney or Litigant

Counsel for **Oshun LLC**

**Amigone, Sanchez & Mattrey LLP**

**1300 Main Place Tower**

**350 Main Street**

**Buffalo, NY 14202**

**(716) 852-1300 Fax:(716) 852-1344**

**abaumeister@amigonesanchez.com**