

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

BENITAGO INC., et al.,

Debtors.¹

Chapter 11

Case No. 23-11394 (SHL)

(Jointly Administered)

**NOTICE OF DEADLINES REQUIRING
FILING OF PROOFS OF CLAIM**

**TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST BENITAGO INC.
AND ITS AFFILIATED DEBTORS (THE "DEBTORS")**

The United States Bankruptcy Court for the Southern District of New York has entered an Order (the "Bar Date Order") establishing **December 7, 2023 at 5:00 p.m. (Prevailing Eastern Time)** (the "General Claims Bar Date"), as the last date for each person or entity (excluding "Governmental Units" as defined in section 101(27) of the Bankruptcy Code) to file a proof of claim, including for any entity asserting a claim under 503(b)(9) of the Bankruptcy Code against any of the Debtors.

As described below, the Bar Date Order also establishes different bar dates for other categories of claims. Among other exceptions described below, the General Claims Bar Date does not apply to claims of any governmental unit (as defined in section 101(27) of title 11 of the United States Code (the "Bankruptcy Code").

As used in this Notice, the term "claim" means, as to or against any of the Debtors and in accordance with section 101(5) of the Bankruptcy Code: (a) any right to

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Benitago, Inc. (4084); Acrux LLC (9391); Aludra Limited (4147); Algedi LLC (3835); Biham LLC (4095); Canopus LLC (8124); Denebola LLC (5430); Errai LLC (7652); Felis LLC (4176); Ginan LLC (2439); Hamal LLC (1775); Izar LLC (6010); Jabbah LLC (0658); Kamuy LLC (8461); Lich LLC (2892); Maasym LLC (9332); Nusakan LLC (1861); Okab LLC (6499); Phact LLC (3663); Chechia LLC (N/A); Dalim LLC (4741); Segin LLC (8849); Taiyi LLC (N/A); Veritate LLC (6416); Wazn LLC (7193); Yildun LLC (3017); Bharani LLC (1732); Alhena LLC (7613); and Revati LLC (0170). The location of the Debtors' service address for purposes of these chapter 11 cases is: 1 Liberty Street, Ste. 320, New York, New York 10006.

payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

1. THE BAR DATES

The Bar Date Order establishes the following bar dates for filing proofs of Claim in these cases (collectively, the “Bar Dates”):

(a) **The General Claims Bar Date.** Pursuant to the Bar Date Order, except as described below, any holder of a claim against the Debtors that arose or is deemed to have arisen prior to the commencement of these cases is required to file proofs of claim by the General Claims Bar Date (*i.e.*, by **December 7, 2023 at 5:00 p.m. (Prevailing Eastern Time)**). These cases were commenced on August 30, 2023 (the “Petition Date”). The General Claims Bar Date applies to all types of claims against the Debtors that arose prior to the Petition Date, including secured claims, unsecured priority claims (including, without limitation, claims entitled to priority under sections 507(a)(4), 507(a)(5), and 503(b)(9) of the Bankruptcy Code) and unsecured nonpriority claims.

(b) **The Rejection Claims Bar Date.** Pursuant to the Bar Date Order, any person or entity that holds a claim arising from or relating to the rejection of an executory contract or unexpired lease, in accordance with section 365 of the Bankruptcy Code or any order of the Court (including any order confirming a chapter 11 plan) authorizing the rejection of an executory contract or unexpired lease (any such order, a “Rejection Order”), or claims otherwise related to such rejected agreements (the “Rejection Damage Claims”), is required to file proofs of claim by **the later of (a) the General Claims Bar Date or (b) the date that is thirty (30) days after entry of the applicable Rejection Order** (the “Rejection Claims Bar Date”). For the avoidance of doubt, all prepetition and postpetition claims of any kind or nature relating to executory contracts or unexpired leases rejected pursuant to a Rejection Order, including, without limitation, claims entitled to administrative expense priority under section 503(b) of the Bankruptcy Code, must be filed by the Rejection Claims Bar Date.

(c) **The Amended Schedules Bar Date.** Pursuant to the Bar Date Order, if subsequent to the date of this Notice, a Debtor amends or supplements its Schedules, the affected claimant is required to file a proof of claim or amend any previously filed proof of claim in respect of the amended scheduled claim on or before **the later of (a) the General Claims Bar Date or (b) 5:00 p.m., (Prevailing Eastern Time), on the date that is thirty (30) calendar days**

after the date that notice of the applicable amendment or supplement to the Schedules is served on the claimant (the "Amended Schedules Bar Date").

(d) **The Governmental Bar Date.** Pursuant to the Bar Date Order, all governmental units holding claims against the Debtors that arose or are deemed to have arisen prior to the Petition Date (including secured claims, unsecured priority claims and unsecured nonpriority claims) are required to file proofs of claim by **February 26, 2024 at 5:00 p.m. (Prevailing Eastern Time)** (the "Governmental Bar Date").

2. **WHO MUST FILE A PROOF OF CLAIM**

You MUST file a proof of claim to vote on a chapter 11 plan filed by the Debtors or to share in distributions from the Debtors' bankruptcy estates if you have a claim that arose prior to the Petition Date, and it is not one of the types of claim described in Section 5 below. Claims based on acts or omissions of the Debtors that occurred before the Petition Date must be filed on or prior to the applicable Bar Date, even if such claims are not now fixed, liquidated or certain or did not mature or become fixed, liquidated or certain before the Petition Date.

3. **WHAT TO FILE**

The Debtors are enclosing a proof of claim form for use in these cases. If your claim is scheduled by the Debtors, the enclosed proof of claim form also sets forth: (a) the amount of your claim (if any) as scheduled by the Debtors; (b) the identity of the Debtor against which your claim is scheduled; (c) whether your claim is scheduled as disputed, contingent or unliquidated; and (d) whether your claim is scheduled as a secured claim, an unsecured priority claim, or an unsecured nonpriority claim. You will receive a different proof of claim form for each claim scheduled in your name by the Debtors. Your filed proof of claim must conform substantially to Official Form No. 410; you may utilize the proof of claim form(s) provided by the Debtors to file your claim. Additional proof of claim forms may be obtained at: under link entitled "Submit

Electronic Proof of Claim (ePOC)" at <https://cases.stretto.com/benitago> or at www.nysb.uscourts.gov.

All proof of claim forms must be **signed** by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant, whether such signature is ink or is electronic. It must be written in English and be denominated in United States currency (and, to the extent such claim is converted to United States dollars, use the exchange rate as of 5:00 p.m. prevailing Eastern Time on the Petition Date and state the rate used in such conversion). You should attach to your completed proof of claim any documents on which the claim is based (if voluminous, attach a summary) or an explanation as to why the documents are not available.

Except as set forth in any other order of the Court, any holder of a claim against more than one Debtor or that has multiple claims against different Debtors must file a separate proof of claim with respect to each such Debtor. In addition, proofs of claim must identify on their face the specific Debtor against which the claim is asserted. A list of the Debtors, together with their respective case numbers, is set forth on **Exhibit 1** attached hereto. Any claim filed only in the lead case (Benitago Inc., Case No. 23-11394) or that otherwise fails to identify a specific Debtor shall be deemed as filed only against Debtor Benitago Inc.

Your proof of claim form must not contain complete social security numbers or taxpayer identification numbers (only the last four digits), a complete birth date (only the year), the name of a minor (only the minor's initials) or a complete financial account number (only the last four digits of such financial account).

Any holder of a claim against more than one Debtor must file a separate proof of claim with respect to each such Debtor and all holders of claims must identify on their proof of claim the specific Debtor against which their claim is asserted and the case number of that Debtor's bankruptcy case. A list of the names of the Debtors and their case

numbers is attached to this Notice.

4. **WHEN AND WHERE TO FILE**

All proofs of claim must be filed so as to be received on or before December 7, 2023 at 5:00 p.m. (Prevailing Eastern Time) (for all persons except Governmental Units) or February 26, 2024, at 5:00 p.m. (Prevailing Eastern Time) (for all Governmental Units) as follows:

IF BY MAIL, DELIVERY, OR DELIVERED BY HAND:	IF DELIVERED BY HAND:	IF FILED ELECTRONICALLY:
Benitago Inc., et al. Claims Processing c/o Stretto 410 Exchange, Suite 100 Irvine, CA 92602 Case Hotline: Toll-Free: 888.914.9227 International: 949.377.1864	Benitago Inc. et al., Claims Processing, c/o Stretto, 410 Exchange, Suite 100, Irvine, CA 92602 or United States Bankruptcy Court, Southern District of New York, 300 Quarropas Street, White Plains, NY 10601-4140	"File A Claim" link on the Debtors' case website, https://cases.stretto.com/benitago

Neither Stretto nor the Court will accept a Proof of Claim sent by facsimile or e-mail.

Proofs of claim will be deemed filed only when received at the addresses listed above or filed electronically on or before the applicable Bar Date. Proofs of claim may not be delivered by facsimile, telecopy or electronic mail transmission.

5. **CLAIMS FOR WHICH PROOFS OF CLAIM NEED NOT BE FILED**

You do **not** need to file a proof of claim on behalf of a claim on or prior to the General Bar Date if the claim falls into one of the following categories:

- a. Any claim that has already been asserted in a proof of claim against the applicable Debtor(s) with the claims agent appointed in these Chapter 11 Cases, or the Clerk of the Bankruptcy Court for the Southern District of New York in a form substantially similar to Official Bankruptcy Form No. 410;
- b. Any claim that is listed on the Schedules filed by the Debtors provided that (i) the claim is **not** scheduled as "disputed," "contingent," or

“unliquidated;” (ii) such claimant agrees with the amount, nature, and priority of the claim as set forth in the Schedules; and (iii) such claimant does not dispute that its claim is an obligation only of the specific Debtor against which the claim is listed in the Schedules;

- c. Any claim that previously has been allowed by order of this Court;
- d. Any claim for which a creditor is otherwise not required to file a proof of claim on account of such claim by order of this Court;
- e. Any claim that has been paid in full by any of the Debtors (or any other party) in accordance with the Bankruptcy Code or an order of this Court;
- f. Any claim for which a different filing deadline has previously been fixed by this Court;
- g. Any claim by a Debtor against another Debtor or non-Debtor subsidiary or affiliate;
- h. Any claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration (other than claims entitled to priority under section 503(b)(9) of the Bankruptcy Code);
- i. any claims held by CoVenture – Bento Credit Opportunities GP, LLC (the “CoVenture Agent”) and CoVenture – Bento Credit Opportunities SPV, LP (the “CoVenture Lender” and together with the CoVenture Agent, the “CoVenture Secured Parties”) arising under (i) any order authorizing use of the CoVenture Secured Parties' cash collateral or any order on Debtors' cash management or (ii) the CoVenture Loan Agreement (as defined in the Nestares Lampo Declaration) and any other agreements and documents executed or delivered in connection therewith; *provided, however*, that each CoVenture Secured Party is authorized, but not required, to file one master proof of claim on account of its respective claims against the Debtors;
- j. an administrative expense claim for postpetition fees and expenses incurred by any professional allowable under sections 330, 331, and 503(b) of the Bankruptcy Code; and
- k. Any counterparty to an executory contract or unexpired lease whose contract or lease is assumed or assumed and assigned by the Debtors, solely with respect to claims arising under such contract or lease or any related agreements.

If you are a holder of an equity interest in the Debtors, you need not file a proof of interest with respect to the ownership of such equity interest at this time.

However, if you assert a claim against the Debtors, including a claim relating to such

equity interest or the purchase or sale of such interest, a proof of such claim must be filed on or prior to the General Bar Date pursuant to procedures set forth in this Notice.

This Notice is being sent to many persons and entities that have had some relationship with or have done business with the Debtors but may not have an unpaid claim against the Debtors. The fact that you have received this Notice does not mean that you have a claim or that the Debtors or the Court believe that you have a claim against the Debtors.

6. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

If you have a claim arising out of the rejection of an executory contract or unexpired lease, you must file a proof of claim for any prepetition or postpetition damages caused by such rejection or any other prepetition or postpetition claims of any kind or nature whatsoever relating to the rejected agreement, by the Rejection Claims Bar Date.

7. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE BAR DATE

ANY HOLDER OF A CLAIM THAT IS NOT EXEMPTED FROM THE REQUIREMENTS OF THIS ORDER, AS SET FORTH IN SECTION 5 ABOVE, AND THAT FAILS TO TIMELY FILE A PROOF OF CLAIM IN THE APPROPRIATE FORM MAY NOT BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM FOR THE PURPOSES OF VOTING ON ANY PLAN OF REORGANIZATION FILED IN THESE CASES AND PARTICIPATING IN ANY DISTRIBUTION IN THE DEBTORS' CASES ON ACCOUNT OF SUCH CLAIM.

8. THE DEBTORS' SCHEDULES AND ACCESS THERETO

You may be listed as the holder of a claim against one or more of the Debtors in the Debtors' Schedules of Assets and Liabilities and/or Schedules of Executory Contracts and Unexpired Leases (collectively, the "Schedules").

If you rely on the Debtors' Schedules, it is your responsibility to determine

that the claim is accurately listed in the Schedules.

As set forth above, if you agree with the nature, amount and status of your claim as listed in the Debtors' Schedules, and if you do not dispute that your claim is only against the Debtor specified by the Debtors, and if your claim is not described as "disputed," "contingent," or "unliquidated," you need not file a proof of claim. Otherwise, or if you decide to file a proof of claim, you must do so before the applicable Bar Date in accordance with the procedures set forth in this Notice.

Copies of the Debtors' Schedules are available for inspection on the Court's Internet Website at <http://www.nysb.uscourts.gov>. A login and password to the Court's Public Access to Electronic Court Records ("PACER") are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.gov>. Copies of the Schedules may also be examined between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday at the Office of the Clerk of the Bankruptcy Court, 300 Quarropas Street, Room 147, White Plains, New York, 10601. Copies of the Debtors' Schedules may also be obtained by written request to Stretto, Inc. ("Stretto"), the Debtors' proposed claims and noticing agent, at 410 Exchange, Suite 100, Irvine, CA 92602, or by calling (888) 914-9227 (U.S./Canada) or (949) 377-1684 (International).

[Concluded on the Following Page]

A holder of a possible claim against the Debtors should consult an attorney regarding any matters not covered by this notice, such as whether the holder should file a proof of claim.

Dated: New York, New York
November 1, 2023

BY ORDER OF THE COURT

BENITAGO INC., *et al*
Debtors and Debtors in Possession
By their Proposed Counsel
TOGUT, SEGAL & SEGAL LLP
By:

/s/ Kyle J. Ortiz

KYLE J. ORTIZ

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EXHIBIT 1

SCHEDULE OF DEBTORS

NAME OF DEBTOR	CASE NUMBER
Benitago Inc.	23-11394
Acrux LLC	23-11395
Aludra Limited	23-11396
Algedi LLC	23-11397
Biham LLC	23-11398
Canopus LLC	23-11399
Denebola LLC	23-11400
Errai LLC	23-11401
Felis LLC	23-11402
Ginan LLC	23-11403
Hamal LLC	23-11404
Izar LLC	23-11405
Jabbah LLC	23-11406
Kamuy LLC	23-11407
Lich LLC	23-11408
Maasym LLC	23-11409
Nusakan LLC	23-11410
Okab LLC	23-11411
Phact LLC	23-11412
Chechia LLC	23-11413
Dalim LLC	23-11414
Segin LLC	23-11415
Taiyi LLC	23-11416
Veritate LLC	23-11417
Wazn LLC	23-11418
Yildun LLC	23-11419
Bharani LLC	23-11420
Revati LLC	23-11421
Alhena LLC	23-11422