



**U.S. Department of Justice**  
Office of the United States Trustee  
*Southern District of New York*

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Alexander Hamilton U.S. Custom House  
One Bowling Green, Room 534  
New York, NY 10004-1408  
Phone: (212) 510-0500  
Email: [USTPRegion02.NYECF@usdoj.gov](mailto:USTPRegion02.NYECF@usdoj.gov)

August 31, 2023

To: Unsecured creditors who may be eligible to serve on a committee for the below-named Debtor.

Re: **BENITAGO INC., et al.\***  
**Case No.: 23-11394 (SHL)**

Dear Creditor:

The above-named Debtors filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code. Section 1102(b) of the Bankruptcy Code authorizes the United States Trustee to appoint an Official Committee of Unsecured Creditors ("Committee"), and the Debtors' petition or other sources of information indicate that you may be eligible for appointment to the Committee in this case. The Committee represents the interests, and acts on behalf, of all unsecured creditors. Members of the Committee are generally selected from the list of the twenty largest unsecured creditors.

**If you wish to be considered for membership on the Committee**, please complete the enclosed Questionnaire and return it to the Office of the United States Trustee by electronic mail to [USTPRegion02.NYECF@usdoj.gov](mailto:USTPRegion02.NYECF@usdoj.gov) so that it is received no later than **September 8, 2023, at 12:00 p.m. (EST)**. Return of the questionnaire, however, does not guaranty appointment to the Committee, only that you will be considered. If you do not wish to serve on the Committee, you do not need to return the form.

The United States Trustee urges you to consider serving on the Committee. Under the Bankruptcy Code, the Committee has the right to demand that the Debtors consult with the Committee before making major decisions or changes, to request the appointment of a trustee or examiner, to participate in the formation of a plan of reorganization, and in some cases, to propose its own plan of reorganization. If appropriate, the Committee may request that the Bankruptcy

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\* The last four digits of Benitago Inc.'s tax identification number are 9698. Due to the large number of debtors in these chapter 11 cases, a complete list of the debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors' claims and noticing agent at <https://cases.stretto.com/benitago>. 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.

Court convert a chapter 11 case to a one under chapter 7, at which time the Debtors' operations would cease, and its assets would be liquidated. The Committee is authorized to select and employ an attorney and other necessary professionals, subject to court approval. Fees of professionals employed by the Committee may be paid from available assets, if any, of the bankruptcy estate after court approval. Further, Committee members' actual expenses may be reimbursed from estate assets.

Should you ask to be considered for membership on a Committee, we may contact you by telephone or email if we have any questions about the information you provide to us. Please note that if a sufficient number of creditors do not ask to be considered for membership on the Committee, a Committee may not be formed and the rights discussed above may go unexercised.

The Committee performs a vital role in chapter 11 reorganizations, and we hope that you will choose to participate.

Sincerely,

WILLIAM K. HARRINGTON  
UNITED STATES TRUSTEE

By /s/Richard Morrissey  
Richard Morrissey  
Annie Wells  
Trial Attorneys

w/encl.

c/c: Albert Togut, Esq.  
Kyle J. Ortiz, Esq.  
Bryan M. Kotliar, Esq.  
Amanda C. Glaubach, Esq.  
Eitan E. Blander, Esq.  
Fred Stevens, Esq.  
Sean Southard, Esq.

**OFFICE OF THE UNITED STATES TRUSTEE  
SOUTHERN DISTRICT OF NEW YORK  
Alexander Hamilton Custom House  
One Bowling Green, Room 534  
New York, NY 10004-1408  
Tel. No. (212) 510-0500  
[USTPRegion02.NYECF@usdoj.gov](mailto:USTPRegion02.NYECF@usdoj.gov)**

**QUESTIONNAIRE FOR OFFICIAL COMMITTEE OF UNSECURED CREDITORS<sup>†</sup>**

**Re: BENITAGO INC., *et al.*<sup>‡</sup>  
Case No.: 23-11394 (SHL)**

**RM AW**

**PLEASE RETURN BY EMAIL SO THAT THIS QUESTIONNAIRE IS RECEIVED NO  
LATER THAN:  
September 8, 2023, at 12:00 p.m. (EST)**

**Please Type or Print Clearly**

I am willing to serve on a Committee of Unsecured Creditors. Yes ( ) No ( )

**A. Unsecured Creditor's Name and Contact Information:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Fax: \_\_\_\_\_  
\_\_\_\_\_ E-mail: \_\_\_\_\_

**B. Counsel (If Any) for Creditor and Contact Information:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Fax: \_\_\_\_\_  
\_\_\_\_\_ E-mail: \_\_\_\_\_

**C. If you have been contacted by a professional person(s) (e.g., attorney, accountant, or financial advisor) regarding the formation of this committee, please provide the individual's name and/or contact information:**

\_\_\_\_\_

<sup>†</sup> Note: This is not a proof of claim form. Proof of claim forms are filed with the Clerk of the Bankruptcy Court, not with the United States Trustee.

<sup>‡</sup> The last four digits of Benitago Inc.'s tax identification number are 9698. Due to the large number of debtors in these chapter 11 cases, a complete list of the debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors' claims and noticing agent at <https://cases.stretto.com/benitago>. 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.

- D. Amount of Unsecured Claim (U.S. \$) \_\_\_\_\_
- E. Do you have a full or partial claim in cryptocurrency? \_\_\_\_\_  
\_\_\_\_\_
- F. If so, identify the particular currency, coins, or tokens \_\_\_\_\_  
\_\_\_\_\_
- G. State the amount of the cryptocurrency claim(s) in U.S. dollars, valued as of the Petition Date. \$ \_\_\_\_\_
- H. If your claim is against more than one Debtor, list all Debtor(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- I. Describe the nature of your claim(s), *i.e.*, whether arising from goods or services provided; loans made; litigation; *etc.*, including whether any portion is secured. If secured, please describe the collateral securing the claim. If any portion of the claim(s) arises from litigation, please state the nature of the claim, the case number and jurisdiction (if applicable) and the status.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- J. Amount of Unsecured Claim entitled to 11 U.S.C. § 503(b) as an administrative expense:  
\_\_\_\_\_
- K. Would your schedule permit you to actively participate on the committee by attending weekly meetings (either by telephone or in person)? Yes ( ) No ( )

**Representations:**

1. Are you or the company you represent in any way “affiliated” with any of the Debtor(s) within the meaning of Section 101(2) of the Bankruptcy Code, or a shareholder of, or related to, the Debtor(s)? Yes ( ) No ( )

If a shareholder, state the number of shares: \_\_\_\_\_

2. Do you, or the company you represent, engage in a business which directly or indirectly competes with any of the businesses of the Debtor(s)? Yes ( ) No ( )
3. Have you ever been or are you an officer, director, agent, representative or employee of the Debtor(s)? Yes ( ) No ( ) Does your claim arise from this relationship? Yes ( ) No ( )
4. State when you acquired the claim, the amount paid, and the face amount of the claim: \_\_\_\_\_
5. Have you or your attorney entered into a settlement agreement with the Debtor(s) regarding resolution of your claim? Yes ( ) No ( )
6. Do you have a claim against any entity affiliated with the Debtor(s)?
7. Yes ( ) No ( ) State the name of the entity and the nature and amount of the claims: \_\_\_\_\_  
\_\_\_\_\_
8. Do you or any affiliated entities have any other claims against, or debt or equity securities of, the Debtor(s)? Yes ( ) No ( )
9. Do you or any affiliated entities have any financial arrangement that may affect the value of your claim(s) against or interest(s) in the Debtor(s) (e.g., personal guarantees, credit insurance, *etc.*)? Yes ( ) No ( )
10. If you have given a proxy to a third party either to represent you at the creditors' committee formation meeting, or in connection with your claim, please attach a copy of the written proxy. If a professional person has arranged for someone to hold a proxy on your behalf, please identify that individual:  
  
\_\_\_\_\_

**You may attach a written statement to explain or supplement any responses.**

**Creditors wishing to serve as fiduciaries on an official committee are advised that they may not purchase, sell or otherwise trade in or transfer claims against the Debtor while they are committee members absent an order of the court on application of the creditor.**

Please be advised that once a committee is formed, the United States Trustee will file a notice of appointment in the court record that contains contact information for any creditor appointed, including the creditor's name, address and telephone number.

**Privacy Act Statement.** 11 U.S.C. § 1102 authorizes the collection of this information. The information will be used by the United States Trustee to determine your qualifications for

appointment to the Committee. Disclosure of this information may be to a bankruptcy trustee or examiner when the information is needed to perform the trustee's or examiner's duties, or to the appropriate federal, state, local, regulatory, tribal, or foreign law enforcement agency when the information indicates a violation or potential violation of law. Other disclosures may be made for routine purposes. For a discussion of the types of routine disclosures that may be made, you may consult the Executive Office of the United States Trustee's system of records, UST-001, "Bankruptcy Case Files and Associated Records." *See* 71 Fed. Reg. 59,818 et seq. (Oct. 11, 2006). A copy of the notice may be obtained at the following link: [http://www.justice.gov/ust/eo/rules\\_regulations/index.htm](http://www.justice.gov/ust/eo/rules_regulations/index.htm). Your disclosure of information is voluntary; however, failure to provide the requested information may result in the rejection of your application to be appointed to the Committee.

I hereby certify that, to the best of my knowledge and belief, the answers to this Questionnaire are true and correct. By executing this Questionnaire, I also agree to the restrictions and conditions set forth in the preceding paragraphs and in the Committee Information Sheet, and I agree to provide the periodic certifications upon the request of the United States Trustee.

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Title**



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Office of the United States Trustee  
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## **OFFICIAL COMMITTEE OF UNSECURED CREDITORS INFORMATION SHEET**

**Purpose of Unsecured Creditors' Committees.** To increase participation in the chapter 11 proceeding, section 1102 of the Bankruptcy Code requires that the United States Trustee appoint a committee of unsecured creditors (the "Committee") as soon as practicable after the order for relief has been entered. The Committee ordinarily consists of the persons, willing to serve, who hold the seven (7) largest unsecured claims of the kinds represented on such committee. The Debtors has filed a list indicating that your claim may be among the largest unsecured claims against the Debtors, and for that reason, you may be eligible to serve on the Committee.

**Powers and Duties of Unsecured Creditors' Committees.** Members of the Committee are fiduciaries who represent all unsecured creditors as a group without regard to the types of claims which individual unsecured creditors hold against the Debtors. Section 1103 of the Bankruptcy Code provides that the Committee may consult with the Debtors, investigate the Debtors and its business operations, and participate in the formulation of a plan of reorganization. The Committee may also perform such other services as are in the interests of the unsecured creditors which it represents. Moreover, Federal Rule of Bankruptcy Procedure 2019, as amended, requires each member of an official committee to file a verified statement disclosing its name, its address, and the nature and amount of each "disclosable economic interest"<sup>4</sup> held in relation to the Debtors on the date the committee was formed. Rule 2019 also requires the committee to file a verified supplemental statement updating the earlier information (if information previously disclosed has materially changed) when taking a position before the court or soliciting votes on a plan.

**Employment of Professionals.** Section 1103 of the Bankruptcy Code provides that the Committee may, subject to the bankruptcy court's approval, employ one or more attorneys, accountants, or other professionals to represent or perform services for the Committee. The decision to employ particular professionals should occur at a scheduled meeting of the Committee where a majority of the Committee is present. All professionals retained by the Committee may be compensated from assets of the Debtor's estate pursuant to section 330 of the Bankruptcy Code. Applications for the payment of professional fees may be monitored by the Office of the United States Trustee and are subject to the Court's approval. However, the Committee should carefully review all applications and not rely on the Court or the United States Trustee to discover and object to unreasonable or unnecessary professional fees or costs.

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<sup>4</sup> "Disclosable economic interest" means any claim, interest, pledge, lien, option, participation, derivative instrument, or any other right or derivative right granting the holder an economic interest that is affected by the value, acquisition, or disposition of a claim or interest.

**Other Matters.** The Committee should elect a chairperson and may adopt bylaws. As a party in interest, the Committee may be heard on any issue in the bankruptcy proceeding. Federal Bankruptcy Rule 2002(i) requires that the Committee (or its authorized agent) receive all notices concerning motions and hearings in the bankruptcy proceedings.

**In the event you are appointed to an official committee of creditors, the United States Trustee may require periodic certifications of your claims while the bankruptcy case is pending. Creditors wishing to serve as fiduciaries on any official committee are advised that they may not purchase, sell or otherwise trade in or transfer claims against the Debtors while they are committee members absent an order of the Court. By submitting the enclosed Questionnaire and accepting membership on an official committee of creditors, you agree to this prohibition. The United States Trustee reserves the right to take appropriate action, including removing a creditor for any committee, if the information provided in the Questionnaire is inaccurate, if the foregoing prohibition is violated, or for any other reason that the United States Trustee may share this information with the Securities and Exchange Commission if deemed appropriate.**

**Privacy Act Statement.** 11 U.S.C. § 1102 authorizes the collection of this information. The information will be used by the United States Trustee to determine your qualifications for appointment to the Committee. Disclosure of this information may be to a bankruptcy trustee or examiner when the information is needed to perform the trustee's or examiner's duties, or to the appropriate federal, state, local, regulatory, tribal, or foreign law enforcement agency when the information indicates a violation or potential violation of law. Other disclosures may be made for routine purposes. For a discussion of the types of routine disclosures that may be made, you may consult the Executive Office of the United States Trustee's system of records, UST-001, "Bankruptcy Case Files and Associated Records." *See* 71 Fed. Reg. 59,818 *et seq.* (Oct. 11, 2006). A copy of the notice may be obtained at the following link: [http://www.justice.gov/ust/eo/rules\\_regulations/index.htm](http://www.justice.gov/ust/eo/rules_regulations/index.htm). Your disclosure of information is voluntary; however, failure to provide the requested information may result in the rejection of your application to be appointed to the Committee.

Should you have any additional questions concerning the Committee or your membership on the Committee, please contact the Office of the United States Trustee.



**List of Debtors**  
**Presiding Judge Sean H. Lane**  
Mailing Address:  
1 Liberty Street, Suite 320  
New York, NY 10006

Case No.	Debtor Name	EIN (Petition)	Tax ID (Joint Motion)	AKA	Address
23-11394	BENITAGO INC.	86-2294084	86-2294084	Benitago LLC	433 Broadway, Suite 614 NY NY 10013
23-11395	Acrux LLC	86-1759391	86-1759391		433 Broadway, Suite 614 NY NY 10013
23-11396	Aludra Limited	n/a	13174147		71-75 Shelton Street LONDON, UK, WC2J 9JQ Greater London
23-11397	Algedi LLC	86-2583835	86-2583835		433 Broadway, Suite 614 NY NY 10013
23-11398	Biham LLC	86-2604095	86-2604095		433 Broadway, Suite 614 NY NY 10013
23-11399	Canopus LLC	86-2638124	86-2638124		433 Broadway, Suite 614 NY NY 10013
23-11400	Denebola LLC	86-2665430	86-2665430		433 Broadway, Suite 614 NY NY 10013
23-11401	Errai LLC	86-2697652	86-2697652		433 Broadway, Suite 614 NY NY 10013
23-11402	Felis LLC	86-2724176	86-2724176		433 Broadway, Suite 614 NY NY 10013
23-11403	Ginan LLC	87-1822439	87-1822439		433 Broadway, Suite 614 NY NY 10013
23-11404	Hamal LLC	87-1911775	87-1911775		433 Broadway, Suite 614 NY NY 10013
23-11405	Izar LLC	87-2136010	87-2136010		433 Broadway, Suite 614 NY NY 10013
23-11406	Jabbah LLC	87-1970658	87-1970658		433 Broadway, Suite 614 NY NY 10013
23-11407	Kamuy LLC	87-2158461	87-2158461		433 Broadway, Suite 614 NY NY 10013
23-11408	Lich LLC	87-2012892	87-2012892		433 Broadway, Suite 614 NY NY 10013
23-11409	Maasym LLC	87-2059332	87-2059332		433 Broadway, Suite 614 NY NY 10013
23-11410	Nusakan LLC	87-2111861	87-2111861		433 Broadway, Suite 614 NY NY 10013
23-11411	Okab LLC	87-2096499	87-2096499		433 Broadway, Suite 614 NY NY 10013
23-11412	Phact LLC	87-1933663	87-1933663		433 Broadway, Suite 614 NY NY 10013
23-11413	Chechia LLC	N/A	N/A		433 Broadway, Suite 614 NY NY 10013
23-11414	Dalim LLC	88-0664741	88-0664741		433 Broadway, Suite 614 NY NY 10013
23-11415	Segin LLC	87-4818849	87-4818849		433 Broadway, Suite 614 NY NY 10013
23-11416	Taiyi LLC	N/A	N/A		433 Broadway, Suite 614 NY NY 10013
23-11417	Veritate LLC	88-0546416	88-0546416		433 Broadway, Suite 614 NY NY 10013
23-11418	Wazn LLC	88-0577193	88-0577193		433 Broadway, Suite 614 NY NY 10013
23-11419	Yildun LLC	88-0583017	88-0583017		433 Broadway, Suite 614 NY NY 10013
23-11420	Bharani LLC	88-0611732	88-0611732		433 Broadway, Suite 614 NY NY 10013
23-11421	Revati LLC	87-4810170	87-4810170		433 Broadway, Suite 614 NY NY 10013
23-11422	Alhena LLC	61-2027613	N/A		433 Broadway, Suite 614 NY NY 10013