

AUGLAIZE COUNTY
COMMON PLEAS COURT
FILED

**COURT OF COMMON PLEAS
AUGLAIZE COUNTY, OHIO**

2018 OCT -9 PM 3:27

I. JEAN MECKSTROTH
CLERK OF COURTS

PAUL MASTRONARDI,)	Case No. 2017-CV-144
)	
Plaintiff,)	Judge Pepple
-v-)	
)	SECOND SUPPLEMENT TO PROOF
LUIS CHIBANTE, et al.,)	OF CLAIM FOR CLAIMANT
)	KEATING MUETHING &
Defendants.)	<u>KLEKAMP PLL - CLAIM #41</u>

Pursuant to this Court's October 1, 2018 Journal Entry, Keating Muething & Klekamp PLL ("KMK") submits additional supplemental information to KMK's Claim Number 41 (the "Claim") filed with this Court on September 14, 2018. Redacted copies of Invoices 1237777 and 1239400 are attached as **Exhibit A**. Unredacted copies of the invoices have been provided to the Receiver. Due to internal accounting issues at KMK, Invoices 1237777 and 1239400 were voided, and not billed to the client, or paid to KMK. The total amount due under these two invoices was \$8,597.97. This amount was subsequently billed to GFF Enterprises on January 5, 2018 as part of Invoice 1245845.¹

As for the requested information relating to the retainer, Golden Fresh Farms Enterprises, L.P. ("GFF Enterprises") was billed \$10,000.00 as a retainer for services related to the herbicide claim. Attached as **Exhibit B** is an invoice reflecting this \$10,000.00 amount due. Attached as **Exhibit C** is a screenshot of the KMK accounting system showing that the \$10,000.00 retainer was applied to prior balances, and fully exhausted. The amount sought through the proof of claim reflects fees for service rendered after the retainer was fully depleted.

¹ Invoice 1245845 was provided to the Court as part of KMK's initial Proof of Claim filing. It lists that there is a "Prior Balance Due" of \$9,073.52. This includes the \$8,597.97 amount for Invoices 1237777 and 1239400, plus an unpaid amount of \$475.55 for Invoice 1243049. Invoice 1243049 was also provided to the Court as part of KMK's initial proof of claim filing.

Respectfully submitted,

/s/ Michael L. Scheier

Michael L. Scheier (0055512)

Jacob D. Rhode (0089636)

Melissa S. Matthews (0093352)

KEATING MUETHING & KLEKAMP PLL

One East Fourth Street, Suite 1400

Cincinnati, Ohio 45202

mscheier@kmklaw.com

jrhode@kmklaw.com

mmatthews@kmklaw.com

Phone: (513) 579-6400

Fax: (513) 579-6457

8718938.1



EXHIBIT A

GOLDEN FRESH FARMS ENTERPRISES LP
Attn: Mr. Louis Chibante
1902 Progress Drive
Wapakoneta, OH 45895

October 5, 2017
Invoice #: 1237777
Client #: GO4085
Relationship Attorney: JJM

INVOICE SUMMARY

For professional services rendered and costs advanced through September 30, 2017:

Matter #	Matter Description	Fees	Costs	Total
IN0001	Herbicide Claim	5,650.50	109.97	\$5,760.47

TOTAL THIS INVOICE

\$5,760.47

Please return this remittance with payment to:

Keating Muething & Klekamp PLL
Attn: Accounts Receivable
One East Fourth Street, Suite 1400
Cincinnati, OH 45202-3752

Keating Muething & Klekamp PLL

GOLDEN FRESH FARMS ENTERPRISES LP

October 5, 2017

Invoice #: 1237777

Client #: GO4085

Matter #: IN0001

Relationship Attorney: JJM

Matter: Herbicide Claim

PROFESSIONAL SERVICES RENDERED

Date	Atty	Description of Service	Hours
9/01/17	AMV	Draft letter to AIG [REDACTED]	1.30
9/05/17	AMV	Draft letter to AIG, research [REDACTED]	5.70
9/06/17	AMV	Finish drafting and revise letter [REDACTED] discuss letter with Pamela Hodge, discuss letter and case details with Tom Hankinson.	2.30
9/07/17	JMH	Review materials and matters relating to the Herbicide claim; emails with Tom Hankinson and Tony Verticchio.	1.25
9/08/17	JMH	Email to Tom Hankinson and Tony Verticchio [REDACTED] review the draft response letter [REDACTED]	.75
9/08/17	AMV	Discuss [REDACTED] with Pamela Hodge.	.20
9/08/17	AMV	Research [REDACTED] and edit [REDACTED]	2.50
9/08/17	AMV	Share coverage letter with team and make further edits.	.20
9/08/17	AMV	Review email correspondence [REDACTED]	.10
9/19/17	AMV	Discuss Nationwide correspondence with Tom Hankinson.	.10
9/20/17	JMH	Email to Tom Hankinson regarding [REDACTED] phone call with Tom Hankinson.	.40
9/20/17	MLS	Review letter from Marian Little requesting information; [REDACTED] (.1); discuss with Jon Hiltz and email to Tom Hankinson regarding [REDACTED] (.4).	.50
9/20/17	AMV	Discuss [REDACTED] with Tom Hankinson and review email [REDACTED] from Tom Hankinson.	.20
9/22/17	JMH	Review of numerous emails regarding [REDACTED]	.40
9/22/17	AMV	Golden Farms review emails, email to Tom Hankinson, discuss status with Tom Hankinson.	.30
9/29/17	AMV	Send follow-up email [REDACTED]	.10
TOTAL PROFESSIONAL SERVICES			\$ 5,650.50

COSTS ADVANCED

Description	Amount
Outside Delivery	109.97



Keating Muething & Klekamp PLL
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202-3752
 (513) 579-6400
www.kmklaw.com
 Federal ID: 31-0570030

November 2, 2017

GOLDEN FRESH FARMS ENTERPRISES LP
 MR. JAMES L. THIEMAN
 Faulkner, Garmhausen, Keister & Shenk
 Courtview Center, Suite 300
 100 S. Main Avenue
 Sidney, OH 45365

Invoice #: 1239400
 Client #: GO4085
 Matter #: IN0001
 Relationship Attorney: JJM

INVOICE SUMMARY

Matter: Herbicide Claim

For professional services rendered and costs advanced through October 31, 2017:

Professional Services	\$ 2,837.50
Total Costs Advanced	<u>\$.00</u>
TOTAL THIS INVOICE	\$ 2,837.50
Prior Balance	<u>\$ 5,760.47</u>
TOTAL BALANCE DUE	<u>\$ 8,697.97</u>

Keating Muething & Klekamp PLL

GOLDEN FRESH FARMS ENTERPRISES LP
Herbicide Claim

November 2, 2017
invoice #: 1239400

PROFESSIONAL SERVICES RENDERED

Date	Atty	Description of Service	Hours
10/02/17	TFH	Draft summary of Herbicide claim status for receiver matter; review correspondence [REDACTED]	.50
10/02/17	JMH	Email to Tom Hankinson and Tony Verticchio regarding [REDACTED]	.25
10/02/17	AMV	Email correspondence with KMK team regarding [REDACTED]	.10
10/03/17	AMV	Review coverage response letter from counsel for AIG, review cases cited therein, [REDACTED]	1.80
10/04/17	TFH	Draft summary of claim for receiver.	1.50
10/04/17	JMH	Review email updates on the herbicide claims; emails with Tom Hankinson and Tony Verticchio regarding [REDACTED]	.40
10/04/17	AMV	Emails and calls with KMK team regarding [REDACTED] pull information [REDACTED] review memo for receiver.	.60
10/05/17	JMH	Numerous emails on the status of the herbicide claim with the KMK team; provide comments and suggested changes on the summary memo.	.75
10/05/17	AMV	Review AIG insurance policy and communicate [REDACTED]	.10
10/05/17	AMV	Research [REDACTED]	.30
10/05/17	AMV	Review suggested revisions to receiver memo.	.10
10/09/17	TFH	Correspond with client and plan [REDACTED]	.50
10/17/17	TFH	Call Jim Schneider and email Ana Ruiz.	.25
10/18/17	AMV	Emails with Tom Hankinson regarding [REDACTED]	.10
10/26/17	SXS	Researched [REDACTED] drafted email [REDACTED]	1.80

TOTAL PROFESSIONAL SERVICES \$ 2,837.50

TOTAL THIS INVOICE \$ 2,837.50

Keating Muething & Klekamp PLL

GOLDEN FRESH FARMS ENTERPRISES LP
Herbicide Claim

November 2, 2017
Invoice #: 1239400

ACCOUNTS RECEIVABLE INVOICES OUTSTANDING

INVOICE NUMBER	DATE	INVOICE TOTAL	PAYMENTS RECEIVED	ENDING BALANCE
1237777	10/05/17	5,760.47	.00	5,760.47

Prior Balance	\$ 5,760.47
Balance Due This Invoice	<u>\$ 2,837.50</u>
TOTAL BALANCE DUE	<u>\$ 8,597.97</u>



Keating Muething & Klekamp PLL
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202-3752
 (513) 579-6400
www.kmklaw.com
 Federal ID: 31-0570030

November 2, 2017

GOLDEN FRESH FARMS ENTERPRISES LP
 MR. JAMES L. THIEMAN
 Faulkner, Garmhausen, Keister & Shenk
 Courtvlew Center, Suite 300
 100 S. Main Avenue
 Sidney, OH 45365

Invoice #: 1239400
 Client #: GO4085
 Matter #: IN0001
 Relationship Attorney: JJM

REMITTANCE

Matter: Herbicide Claim

BALANCE DUE THIS INVOICE	\$ 2,837.50
Prior Balance	<u>\$ 5,760.47</u>
TOTAL BALANCE DUE	<u>\$ 8,597.97</u>

Please return this remittance with payment to:

Keating Muething & Klekamp PLL
 ATTN: Accounts Receivable
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202-3752

TERMS: PAYMENT DUE UPON RECEIPT

1% SERVICE CHARGE PER MONTH AFTER 30 DAYS



Golden Fresh Farms Enterprises LP
1902 Progress Drive
Wapakoneta, OH 45895
Attn: Mr. Luis Chibante

September 1, 2017
Invoice #: 1233340
Client #: GO4085
Matter #: CG0001
Relationship Attorney: JJM

FEDERAL ID NO. 31-0570030

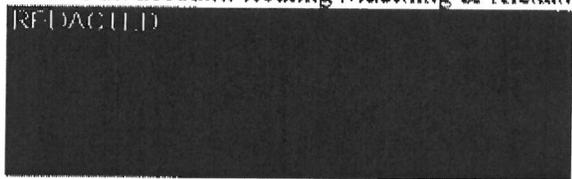
INVOICE SUMMARY

Retainer for services related to the Herbicide claim

TOTAL BALANCE DUE \$ 10,000.00

Wiring Instructions:

Name on account: Keating Muething & Klekamp PLL



INVOICES

Invoice Inquiry
 Enter criteria and click Submit:

Client: GOLDEN FRESH FARMS ENTERPRISES LP
 Member: Herbicide Claim
 Invoice:

View:



Last Payment (09/20/2017): 12,479.75

Invoice Type	Date	Billed	Receipts	Adjustments	Late Charge	Total	Balance	Status	Check No.	Check Date	Payor
<input type="checkbox"/> 1235972 Invoice	09/08/2017	12,479.75	0.00	0.00	0.00	12,479.75	12,479.75	Void			
<input type="checkbox"/> 1235972 Invoice	09/18/2017	-12,479.75	0.00	0.00	0.00	0.00	0.00	Void			
<input type="checkbox"/> 1236482 Invoice	09/27/2017	12,479.75	0.00	0.00	0.00	12,479.75	12,479.75	Paid			
<input type="checkbox"/> 1236482 Applied Credit	09/27/2017	0.00	-10,000.00	0.00	0.00	2,479.75	2,479.75				
<input type="checkbox"/> 1236482 Applied Credit	09/27/2017	0.00	-2,479.75	0.00	0.00	0.00	0.00				
<input type="checkbox"/> 1237777 Invoice	10/05/2017	5,760.47	0.00	0.00	0.00	5,760.47	5,760.47	Void			
<input type="checkbox"/> 1237777 Invoice	02/06/2018	-5,760.47	0.00	0.00	0.00	0.00	0.00	Void			
<input type="checkbox"/> 1239400 Invoice	11/02/2017	2,837.50	0.00	0.00	0.00	2,837.50	2,837.50	Void			
<input type="checkbox"/> 1239400 Invoice	02/06/2018	-2,837.50	0.00	0.00	0.00	0.00	0.00	Void			
<input type="checkbox"/> 1243049 Invoice	12/07/2017	475.55	0.00	0.00	0.00	475.55	475.55	Open			
<input type="checkbox"/> 1245845 Invoice	01/05/2018	510.00	0.00	0.00	0.00	510.00	985.55	Open			
<input type="checkbox"/> 1248681 Invoice	02/09/2018	830.00	0.00	0.00	0.00	830.00	1,815.55	Open			
<input type="checkbox"/> 1250820 Invoice	02/29/2018	8,597.97	0.00	0.00	0.00	8,597.97	10,413.52	Open			
<input type="checkbox"/> 1251644 Invoice	03/14/2018	85.00	0.00	0.00	0.00	85.00	10,498.52	Open			
<input type="checkbox"/> 1259176 Invoice	05/10/2018	592.50	0.00	0.00	0.00	592.50	11,091.02	Open			
<input type="checkbox"/> 1271429 Invoice	09/06/2018	170.00	0.00	0.00	0.00	170.00	11,261.02	Open			
23,740.77 -12,479.75 0.00											

View Invoice | Zip | Zip-Img | View Check | Time | Cost | Allocations | Check Details | Void Narrative | Report | Excel

FACSIMILE FILING COVER PAGE

RECIPIENT INFORMATION:

NAME OF COURT: Anglaize Common Pleas Court
FAX NUMBER: 419-739-4768

SENDING PARTY INFORMATION:

NAME: Meissa S. Matthews
SUPREME COURT
REGISTRATION NO. (if applicable): 0093352
OFFICE/FIRM: Keating Muehling & Klekamp
ADDRESS: One E. 4th St, Suite 1400, Cincinnati, OH
TELEPHONE NUMBER: 513-579-6400
FAX NUMBER: 513-579-6457
E-MAIL ADDRESS (if available): m.matthews@kmb-law.com

CASE INFORMATION:

TITLE OF CASE: Paul Mastronardi v. Luis Chibante, et al
CASE NUMBER: 2017-CV-144
TITLE OF THE DOCUMENT: Second supplement to proof of claim for claimant
JUDGE: Pepple KMK - claim #41

FILING INFORMATION:

DATE OF FAX TRANSMISSION: 10/9/18 5:10 pm
NUMBER OF PAGES (including this page): 11

* If a Judge or case number has not been assigned, please state that fact in the space provided.