AUGLAIZE COUNTY
COMMON PLEAS COURT
FILED

2018 OCT 22 PM 4:00

I. JEAN HECKSTROTH
CLERK OF COURTS

IN THE COMMON PLEAS COURT OF AUGLAIZE COUNTY, OHIO

PAUL MASTRONARDI	)	CASE NO. 2017 CV 0144
	)	
Plaintiff,	)	JUDGE PEPPLE
	)	
vs.	)	
	)	RECEIVER'S OBJECTION AND
LUIS CHIBANTE, et al.	)	RECOMMENDATION REGARDING
	)	PROOF OF CLAIM NUMBER 48
Defendants.	)	

The Receiver has reviewed Proof of Claim ("POC") Number 48 filed by Jem D International Michigan Inc. ("Creditor") and objects to such claim and recommends that such claim be DISALLOWED for the following reasons:

a) ✓ The Proof of Claim amount exceeds the amount shown on the Accounts Payable records provided to the Receiver.
The Creditor claim amount is $_____.

The Accounts Payable records reflect a balance of $_____.

b) _____ The POC includes interest, late charges, finance charges and/or other charges which the Receiver is not obligated to pay.

c) _____ The POC includes attorney fees which the Receiver may not be obligated to pay and/or the reasonableness of which the Court must determine.

d) _____ The POC was filed after the Court's deadline of September 18, 2018.

e) _____ The POC fails to provide sufficient documentation to support the claim.

f) _____ The POC is subject to a right of setoff in favor of the companies in Receivership.

g) ✓ Other: POC alleges it is secured, which is disputed.

Based on the information and documents reviewed by the Receiver, the Receiver would consent to allowance of the Proof of Claim as follows:

$_____ Secured

$_____ Administrative

$_____ Unsecured

$_____ Other

In the event that the Receiver receives additional information and/or documents in support of the Creditor's claim, the Receiver may reconsider its recommendation.

Respectfully submitted,

James L. Thieman, Receiver
FAULKNER, GARMHAUSEN, KEISTER & SHENK
A Legal Professional Association
Courtview Center - Suite 300
100 South Main Avenue
Sidney, OH 45365
(937) 492-1271 (telephone)
(937) 498-1306 (facsimile)
jthieman@fgks-law.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was sent via regular mail (and hand-delivered to Thomas J. Potts and Michael A. Staudt) this 22nd day of October 2018 to the following:

Michael L. Scheier
Jonathan M. Hiltz
Jacob Rhode
Keating Muething & Klekamp PLL
One East Fourth Street, Suite 1400
Cincinnati, OH 45202

Marion H. Little, Jr.
Matthew S. Zeiger
Zeiger, Tigges & Little LLP
3500 Huntington Center
41 South High Street
Columbus, OH 43215

Ronald E. Gold
A.J. Webb
Jennifer J. Morales
Frost Brown Todd LLC
3300 Great American Tower
301 E. Fourth Street
Cincinnati, OH 45202

Robert M. Zimmerman
Dinsmore & Shohl LLP
1900 First Financial Center
255 East Fifth Street
Cincinnati, OH 45202

Michael Burton
Jauert & Burton LLP
103 S. Blackhoof Street
PO Box 1957
Wapakoneta, OH 45895

Kraig E. Noble
Noble, Montague & Moul, LLC
146 E. Spring St.
St. Marys, OH 45885

Thomas J. Potts
Michael A. Staudt
Faulkner, Garmhausen, Keister & Shenk
100 South Main Avenue, Suite 300
Sidney, OH 45365

Jem D International Michigan Inc.
2400 Graham Side Road
Kingsville, Ontario N9Y 2E5
Canada

James L. Thieman, Receiver

X:\Files\Golden Fresh Farms\Pleadings\Disallowed Claims\POC 48 Receiver's Recommendation Re POC - Objection.Docx