

AUGLAIZE COUNTY  
COMMON PLEAS COURT  
FILED

2018 OCT 22 PM 4:00

L. 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.	)	
	)	
LUIS CHIBANTE, et al.	)	RECEIVER'S OBJECTION AND
	)	RECOMMENDATION REGARDING
	)	PROOF OF CLAIM NUMBER 53
Defendants.	)	

The Receiver has reviewed Proof of Claim ("POC") Number 53 filed by Lykins Oil Company ("Creditor") and objects to such claim and recommends that such claim be DISALLOWED for the following reasons:

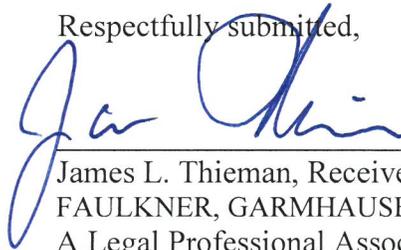
- a)  The Proof of Claim amount exceeds the amount shown on the Accounts Payable records provided to the Receiver.  
The Creditor claim amount is \$ \_\_\_\_\_.  
The Accounts Payable records reflect a balance of \$ \_\_\_\_\_.
- b)  The POC includes interest, late charges, finance charges and/or other 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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](mailto: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 22<sup>nd</sup> 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

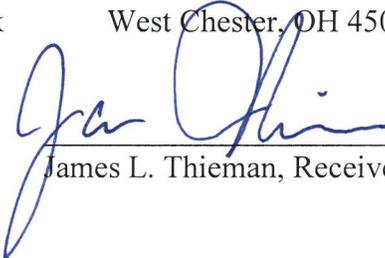
Robert M. Zimmerman  
Dinsmore & Shohl LLP  
1900 First Financial Center  
255 East Fifth Street  
Cincinnati, OH 45202

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

Lykins Oil Company  
8366 Princeton Glendale Road, Suite B1  
West Chester, OH 45069



James L. Thieman, Receiver