

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

RONY SHAMUEL a/k/a)
RONNIE SHAMUEL,)
))
Plaintiff,)
))
v.)
))
CHRISTOPHER JURICA, JAY)
JURICA, and FIRE CLEAN PLUS, INC.,)
))
Defendants.)
_____)

Case No. 2014 CH 10751
Consolidated with 2014 M1 717314
Honorable Neil H. Cohen

**RECEIVER'S MOTION TO ESTABLISH CLAIMS AND DISTRIBUTION
PROCESS AND APPROVE CLAIM VERIFICATION FORM**

Now comes JAMES E. SULLIVAN, as the Receiver ("Receiver") for Fire Clean, LLC and Fire Clean Plus, Inc. (collectively "Fireclean"), by and through his attorneys, GARDINER KOCH WEISBERG & WRONA, and pursuant to the powers vested in him by the Order entered July 8, 2014, seeks this Court's approval of proposed claims and distribution procedures. In support of his Motion, the Receiver states as follows:

1. Pursuant to the July 8, 2014 Order entered by this Court, the Receiver was granted authority to take immediate possession of the assets of Fireclean LLC and Fireclean Plus, Inc. (collectively, the "Fireclean Entities"), and collect monies owed to the Fireclean Entities.
2. On October 3, 2014, the Court granted the Receiver leave to sell the assets of the Fireclean Entities.
3. The Receiver and his retained professionals have certain Fireclean records pursuant to which the Receiver was able to identify potential customers and creditors to whom the Fireclean Entities may be indebted.

4. Anticipated claims by Fireclean customers, vendors, and other interested parties will likely far exceed the amount of receivership funds. As a result, the Receiver believes it is fair to say that any person or entity with any claim against receivership assets will only receive a very small fraction of any amount claimed.

5. The Receiver has determined that it would be in the best interests of the Receivership for the Court to establish claims verification procedures, including without limitation specified procedures, claims verification forms, a claims bar date, and procedures for the filing and approval of the Receiver's distribution plan.

6. The Receiver recommends that the Court approve a process whereby the Receiver will endeavor to send a claim verification form and notice, in the nature of the form attached hereto as Exhibit 1, to known customers and creditors whom the Receiver has identified and for whom the Receiver has a mailing address. After approved by this Court, the Receiver will then mail a claim form by US Mail to all known potential claimants.

7. The proposed claim form specifies both that the form must be completed and submitted to the Receiver by the claims bar date set by the Court and that the claimant must submit any documentation to substantiate the basis for all amounts that the claimant believes are owed along with an attestation under oath verifying the authenticity and accuracy of all such documentation or information submitted. (See Exhibit 1.) In order to complete the claims verification process in a timely and cost-effective manner, the Receiver recommends that the Court establish a deadline of 28 days - from the date on which the Receiver certifies the actual date of mailing such forms - for all claimants to submit a claim verification form along with all supporting documentation and the required attestation.

8. The Receiver recommends that failure of a customer or creditor to submit a claim verification form by the claims submission date shall be a basis for objection to and denial of that claim and that any untimely filed claims shall not be entitled to receive distribution unless the Court excuses the failure.

9. In addition, the Receiver recommends that any documentation or information submitted to the Receiver that is not verified as to its authenticity and accuracy need not be considered by the Receiver for identifying claimants and/or determining claim amounts.

10. After the claims verification process has been completed by the Receiver, the Receiver proposes to file a Motion to Approve Distribution Plan. The Receiver's Motion to Approve Distribution Plan will set forth the Receiver's recommendations to the Court for distribution including an explanation as to eligibility, methodology, and recommended distribution amounts.

11. The Receiver recommends that the Court further find and order, particularly in light of the limited receivership assets, that the Receiver may also provide adequate notice of the all other future notices/pleadings/orders or the like relating to the claim process, including the proposed distribution plan, merely by the posting of the documents on the Receiver's counsel's web site (www.gkwlaw.com).¹ The Receiver will however mail by US Mail physical copies of both the instant motion and the claim form which is later approved by this Court to all known potential claimants. The Receiver will also mail physical copies of the filings to claimants who have indicated that they are unable to access the website.

¹ The Receiver will also mail a letter to all potential claimants that indicates that unless a claimant specifically submits a written request to the Receiver indicating good cause for their inability to access the Receiver's counsel's website in the future, and unless the Court orders otherwise, then all future notices and documents (aside from the blank claim form) will be made by posting to the Receiver's counsel's website only, or in some cases, by email.

12. The Receiver therefore recommends that the Court approve the proposed claim verification form submitted herewith, which identifies the fact that potential claimants who have filed a claim verification form will receive only electronic notice of the filing of the Receiver's proposed distribution plan, which will be available for review on the Receiver's counsel's web site and will be posted within a reasonable time after it is filed.

13. The Receiver further proposes that any and all objections to the Receiver's distribution plan be filed with the Court within 28 days of the date the Receiver files his distribution plan. This deadline will also be identified in the claim verification form.

14. Finally, the Receiver requests that the Court set a final approval hearing date for the Receiver's Motion to Approve Distribution Plan of no less than 14 days from the deadline for objections to the Receiver's proposed distribution plan.

WHEREFORE, the Receiver respectfully requests that the Court grant his Motion and enter an Order establishing claims verification procedures, claims verification forms, claims bar date, and procedures for approval of the receiver's distribution plan, consistent with the terms proposed herein. (A Proposed Order is attached hereto as Exhibit 2.)

Respectfully Submitted,

By: 
One of the Receiver's Attorneys

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JAMES E. SULLIVAN
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T (312) 362-0000; Fax (312) 362-0440
Email: fireclean@gkwlaw.com

Re: *Shamuel v. Jurica et al.* (“*Fireclean Receivership*”), No: 14-CH-10751

IMPORTANT NOTICE

On June 26, 2014, the above-referenced lawsuit was filed by the Plaintiff, Ronnie Shamuel, against Defendants Christopher Jurica, Jay Jurica, and Fire Clean Plus, Inc. On July 8, 2014, James E. Sullivan was appointed Receiver for Fireclean. The Receiver was thereafter directed to gather all recoverable Fireclean assets, wherever located, in an effort to ultimately liquidate and distribute assets to defrauded investors and creditors. The amount of money available for distribution to eligible claimants is only a small fraction of anticipated potential claims.

The reverse side of this notice contains a claim verification form that you must submit to the Receiver in order to be eligible to receive any funds that the Receiver may later distribute in connection with the above-referenced lawsuit. The purpose of this claim verification form is to provide the Receiver with information necessary to verify the information he has obtained regarding your claim. **In order to be eligible to receive a distribution of the Receivership entities' assets, you MUST complete the attached claim verification form and submit the signed claim form electronically, together with all supporting documents, by emailing the documents to Fireclean@gkwlaw.com no later than _____, 2015.** Please keep a copy of this claim verification form, and any documents submitted with it, for your records.

To be eligible for any distribution, you must complete and submit this claim verification form electronically by _____, 2015, even if you have previously submitted correspondence and/or documents to the Receiver, to a lawyer, to a government agency, or to law enforcement officials. You must also submit documentation or other evidence to substantiate the basis for all amounts that you believe are due and owing to you from Fireclean LLC and Fireclean Plus, Inc., together with an attestation under oath verifying the authenticity and accuracy of the information of all such documentation or information submitted.

Please note that the Court has approved this claim verification form and the submission deadline. Any person or entity completing this claim verification form submits to the exclusive jurisdiction of the Circuit Court of Cook County, Chancery Division, for all purposes, including without limitation, as to any claims, objections, defenses or counterclaims that could be asserted by the Receiver against any claimant, arising out of any and all business transacted by or with Fireclean LLC and Fireclean Plus, Inc. Claimants further waive any right to a jury trial with respect to such claims, objections, defenses, or counterclaims.



CLAIM VERIFICATION FORM

I. Claimant/Creditor Information:

1. Claimant/Creditor Name: _____
2. Address: _____
3. Telephone Number: _____
4. Email Address: _____
5. Social Security/Tax I.D. Number*: _____
6. Amount of money owed by Fireclean Entities to claimant**: \$ _____
7. Check this box if you believe that anyone else may file claim verification form relating to this claim. Attach copy of statement giving particulars.
8. Basis for claim - State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, car loan, mortgage note, and credit card, etc. You may be required to provide additional disclosure if an interested party objects to the claim. You should attach this form redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, etc.: _____

**The Internal Revenue Service (IRS) requires that all U.S. recipients of distribution checks provide social security or tax identification numbers to the Receiver. No check will be issued without a corresponding social security or tax identification number.*

***The Receiver may elect not to consider any amounts for which the claimant has not verified the authenticity and accuracy of documentation or information submitted in connection with their claim. If the claim includes interest or other charges in addition to the principal amount of the claim, attach a statement that itemizes interest or charges.*

II. Representations:

- a) Claimant/creditor acknowledges and agrees that by submitting this claim verification form, claimant/creditor subjects his/her/its claim to the jurisdiction of the Circuit Court of Cook County, Chancery Division, which is administering the Receivership Estate ("Receivership Court"). Claimant/creditor further agrees that his/her/its claim shall be adjudicated, determined and paid as ordered by the Receivership Court. Claimant/creditor further consents to, and understands that the Receivership Court will determine: (i) his/her/its right to any money from the Receivership Estate, if any is available; (ii) the priority of his/her/its

claim; (iii) the scheduling and allocation of any assets to be distributed; and (iv) all objections and disputes regarding the allowance of his/her/its claim by the Receiver, which shall be submitted to and subject to review by the Receivership Court for a final ruling without a jury.

- b) Claimant/creditor represents that claimant/creditor has not sold, assigned, transferred, or in any way conveyed his/her/its interest in or claim against the Receivership Estate. From the date of this form, claimant/creditor agrees not to sell, convey, assign or transfer his/her/its interest in or claim against the Receivership Estate prior to the date(s) of distribution. In the event that his/her/its interest is transferred prior to the date of any distribution, except by operation of law, claimant/creditor agrees that such transfer or assignment shall be null and void and unenforceable by any successor third party.
- c) Claimant/creditor acknowledges that Claimant/creditor will not receive written notice of the Receiver's proposed distribution plan, and that notice of all future motions/pleadings/orders related to the receivership distribution will be provided only by email to claimants who have submitted a claim form, and by the posting of the documents on the receivership section of the Receiver's counsel's website (gkwwlaw.com).
- d) Claimant/creditor acknowledges that any and all objections to the Receiver's distribution plan must be filed with the Court within **28 days** of the date the Receiver files his distribution plan. **The Receiver may not file his proposed distribution plan for several months.** All claimants who have submitted a claim form will be notified via electronic mail when the Receiver's proposed distribution plan has been filed, and the proposed distribution plan will be posted on the receivership section of the Receiver's counsel's website (gkwwlaw.com).

I declare under penalty of perjury under the laws of the United States of America that all of the statements made in this Claim Verification Form are true and correct. I further attest that all documentation submitted to the Receiver in connection with this claim is authentic and accurate.

Signature: _____
(Claim Verification Form not valid unless signed)

Date: _____

Check the appropriate box:

- I am the claimant/creditor or an employee of claimant/creditor.
 I am the claimant/creditor's authorized agent.

Print Name: _____

Title: _____

Company: _____

Address (if different from above): _____

Phone number (if different from above): _____

Email (if different from above): _____

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RONNIE SHAMUEL,)
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Plaintiff,)
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v.)
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CHRISTOPHER JURICA, JAY)
JURICA, and FIRE CLEAN PLUS, INC.,)
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Defendants.)
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Honorable Neil H. Cohen

ORDER

This matter coming to be heard on the Receiver's Motion to Establish Claims and Distribution Process, due notice being given, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

1. The Receiver's Motion is GRANTED.
2. The Receiver shall file a certification with the Court that the Receiver has mailed by US Mail to all known claimants a claim verification form in the nature of the form attached to the Receiver's Motion on or before _____, 2015.
3. Potential claimants shall submit a completed claim verification form, together with all supporting documentation, no later than 28 days following the Receiver's certified mailing date. Failure of a customer or creditor to submit a claim verification form by said date shall be a basis for objection to and denial of that claim. In addition, any untimely filed claims shall not be entitled to receive distribution unless excused by the Court by order upon good cause shown.
4. Claimants who have submitted verified claim verification forms to the Receiver shall be notified by electronic mail when the Receiver's Proposed Distribution Plan has been filed.
5. In light of the limited receivership assets available, the Court finds that the posting of documents such as the Receiver's Proposed Distribution Plan on the receivership section of the Receiver's counsel's website (www.gkwwlaw.com), and orders/filings related thereto, shall constitute adequate and effective notice.

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6. Any and all objections to the Receiver's proposed distribution plan shall be filed with the Court no later than 28 days after the date the Receiver files his proposed plan.

ENTERED:

DATED: _____

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