

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In re:)	CHAPTER 11
)	
ENVISTACOM, LLC,)	CASE NO. 23-52696-jwc
)	
Debtor.)	
)	
KATIE S. GOODMAN, in her capacity as the)	
liquidating trustee of the Envistacom Liquidating)	
Trust,)	
)	
Objector,)	
v.)	CONTESTED MATTER
)	
DAVID J. GOLDSTEIN,)	
)	
Claimant.)	
)	

**NOTICE OF LIQUIDATING TRUSTEE’S OBJECTION TO
CLAIM NO. 10101 FILED BY DAVID J. GOLDSTEIN,
DEADLINE TO OBJECT AND FOR HEARING**

Katie S. Goodman, in her capacity as the liquidating trustee (the “**Liquidating Trustee**”) for the Envistacom Liquidating Trust, has filed the *Liquidating Trustee’s Objection to Claim No. 10101 Filed by David J. Goldstein* (the “**Objection**”), on March 6, 2025. Pursuant to the Second Amended and Restated General Order No. 24-2018, the Court may consider this matter without further notice or a hearing if no party in interest files a response or objection opposing the Objection **within thirty (30) days from the date of service of this notice (i.e. on or before April 5, 2025)**. **If you object the relief requested in the Objection, you must timely file your response in opposition to the Objection with the Bankruptcy Clerk at Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303, and serve a copy on the Liquidating Trustee’s attorney, Matthew W. Levin, Scroggins, Williamson & Ray, P.C., 4401 Northside Parkway, Suite 230, Atlanta, GA 30327, and any other appropriate persons by the response deadline.** The response or objection must explain your position and be actually received by the Bankruptcy Clerk within the required time.

A hearing on the pleading has been scheduled for April 17, 2025. The Court will hold a hearing on the Objection **at 11:00 a.m. on April 17, 2025 in Courtroom 1203, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303**, which may be attended in person or via the Court’s Virtual Hearing Room. You may join the Virtual Hearing Room through

the “Dial-in and Virtual Bankruptcy Hearing Information” link at the top of the homepage of the Court’s website, www.ganb.uscourts.gov, or the link on the judge’s webpage, which can also be found on the Court’s website. Please also review the “Hearing Information” tab on the judge’s webpage for further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge’s webpage.

If an objection or response is timely filed and served, the hearing will proceed as scheduled. If you do not file a response or objection within the time permitted, the Court may grant the relief requested without further notice and without holding the scheduled hearing provided that an order approving the relief requested is entered at least one business day prior to the scheduled hearing. If no objection is timely filed, but no order is entered granting the relief requested at least one business day prior to the scheduled hearing, the hearing will be held as scheduled.

Your rights may be affected. You should read these papers carefully and discuss with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

NOTICE IS HEREBY GIVEN this 6th day of March, 2025.

SCROGGINS, WILLIAMSON & RAY, P.C.

By: /s/ Matthew W. Levin
J. ROBERT WILLIAMSON
Georgia Bar No. 765214
MATTHEW W. LEVIN
Georgia Bar No. 448270

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Counsel for the Liquidating Trustee

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DAVID J. GOLDSTEIN,)	
)	
Claimant.)	
)	

**LIQUIDATING TRUSTEE’S OBJECTION TO CLAIM
NO. 10101 FILED BY DAVID J. GOLDSTEIN**

COMES NOW Katie S. Goodman (the “**Liquidating Trustee**”), in her capacity as the liquidating trustee of the Envistacom Liquidating Trust created pursuant to the confirmed *Debtor’s Second Modified First Amended Combined Disclosure Statement and Chapter 11 Plan of Liquidation* [Dkt. No. 197] (the “**Plan**”) in the above-styled Chapter 11 case (the “**Bankruptcy Case**”), by and through the undersigned counsel, and pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007, hereby files the *Liquidating Trustee’s Objection to Claim No. 10101 Filed by David J. Goldstein* (the “**Objection**”) to the unsecured claim designated as Claim No. 10101, a copy of which is attached hereto as Exhibit A, filed by David J. Goldstein (the “**Claimant**”). In support of her Objection, the Liquidating Trustee respectfully states as follows:

JURISDICTION AND VENUE

1.

This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2).

2.

Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

FACTUAL BACKGROUND

3.

On March 21, 2023 (the “**Petition Date**”), five unsecured creditors of Envistacom, LLC (the “**Debtor**”) filed an involuntary bankruptcy petition against the Debtor [Dkt. No. 1] (the “**Involuntary Petition**”), thereby commencing an involuntary case against the Debtor. No interim trustee was appointed in the involuntary case pursuant to Section 303(g) of Title 11, United States Code (the “**Bankruptcy Code**”). On May 9, 2023, the Debtor filed the *Motion of Envistacom, L.L.C. for Entry of an Order Converting the Involuntary Case to Chapter 11 Pursuant to 11 U.S.C. § 706(a)* [Dkt. No. 40] (the “**Motion to Convert**”). On May 10, 2023, the Court entered the *Order for Relief on Involuntary Petition and Order Converting Involuntary Case to Chapter 11 Pursuant to 11 U.S.C. § 706(a)* [Dkt. No. 41] (the “**Order for Relief**”), thereby converting the involuntary case to a voluntary case under Chapter 11 of the Bankruptcy Code. Prior to January 28, 2024 (the effective date of the Plan), the Debtor was authorized to operate its business as a debtor in possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code.

4.

No trustee or examiner was appointed in the Bankruptcy Case. No request was made for the appointment of a trustee or examiner. An Official Committee of Unsecured Creditors (the “**Committee**”) was appointed on May 30, 2023.

5.

On or about June 9, 2023, the Debtor filed its Schedules of Assets and Liabilities [Dkt. No. 100] (the “**Original Schedules**”). On or about July 27, 2023, the Debtor filed an amended version of Schedule E/F [Dkt. No. 147] (the “**Amended Schedule E/F**” and together with the Original Schedules, the “**Schedules**”), reflecting amendments to certain scheduled claims of the Debtor’s former employees.

6.

On June 1, 2023, the Debtor filed its *Motion for Entry of an Order (I) Establishing Bar Dates for Filing Claims Against the Debtor; (II) Approving Form and Manner of Notice Thereof; and (III) Granting Related Relief* [Dkt. No. 91].

7.

On June 26, 2023, the Bankruptcy Court entered an order [Dkt. No. 122] (the “**Bar Date Order**”) establishing certain deadlines for filing proofs of claim (“**Proofs of Claim**”) against the Debtor (the “**Bar Dates**”), including a General Bar Date, Governmental Bar Date, Amended Schedules Bar Date, and Rejection Bar Date (each as defined in the Bar Date Order). The Bar Date Order (i) established 5:00 p.m. (Eastern) on August 10, 2023 (the “**General Bar Date**”), as the last date for creditors that are *not* governmental units to file proofs of claim, proofs of interest and requests for payment of administrative expense claims under 11 U.S.C. § 503(b)(9); (ii) established 5:00 p.m. (Eastern) on November 6, 2023, as the last date for creditors that are

governmental units to file proofs of claim, proofs of interest and requests for payment of administrative expense claims under 11 U.S.C. § 503(b)(9); and (iii) approved a form of bar date notice, proof of claim form, 503(b)(9) request for payment form and other procedures.

8.

On October 26, 2023, the Debtor filed the Plan. On November 15, 2023, the Court entered an order confirming the Plan. *See* Dkt. No. 620.

9.

On January 9, 2024, the Debtor filed a *Notice of (I) Entry of Order Confirming Debtor's Second Modified First Amended Combined Disclosure Statement and Chapter 11 Plan of Liquidation and (II) Occurrence of Effective Date* [Dkt. No. 239] (the “**Notice of Effective Date**”) with respect to the Plan, which was served on or about the same date on the Debtor's creditors and other parties in interests. *See* Dkt. No. 240. Pursuant to the Notice of Effective Date, all holders of administrative expense claims (other than, claims arising under 11 U.S.C. § 503(b)(9), professional compensation claims, post-petition health claims and post-petition Georgia workers' compensation claims) were required to file applications requesting allowance or payment of such administrative expense claims by February 7, 2023.

10.

On July 10, 2023, the Claimant filed an unsecured claim in an undetermined amount, designated as Claim No. 10101 (the “**Claim**”) on the claims docket maintained by Epiq Corporate Restructuring, LLC (“**Epiq**”), the claims agent appointed in the Bankruptcy Case, for amounts alleged to be due the Claimant by the Debtor.

11.

The Schedules list a priority unsecured claim for the Claimant in the amount of \$6,831.73.

RELIEF REQUESTED

12.

The Liquidating Trustee respectfully requests the entry of an order, pursuant to Section 502 of the Bankruptcy Code and Fed. R. Bankr. P. 3007, allowing the Claim as a priority unsecured claim in the amount of \$6,831.73, and allowing the Claim as a general unsecured claim in the amount of \$1,511.52.

BASIS FOR RELIEF

13.

A filed proof of claim is “deemed allowed, unless a party in interest . . . objects.” 11 U.S.C. § 502(a). *Juniper Dev. Group v. Kahn*, 993 F.2d 915, 925 (1st Cir. 1993). If an objection refuting at least one of the claim’s essential allegations is asserted, the claimant has the burden of proof to demonstrate the validity of the claim. *Dollinger v. BV Retail, LLC (In re S&Q Shack, LLC)*, 2015 Bankr. LEXIS 1166, at *6-7 (N.D. Ga. Feb. 13, 2015); *In re Allegheny Int’l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992); *In re Britt*, 199 B.R. 1000, 1008 (Bankr. N.D. Ala. 1996).

14.

Furthermore, Section 502(b)(1) provides that a claim may not be allowed to the extent that “such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law.” 11 U.S.C. § 502(b)(1).

15.

The Liquidating Trustee is in the process of reviewing all requests for allowance of administrative expenses filed in this case, the register of claims maintained by the Court, the electronic claims registry maintained by Epiq and the Schedules.

16.

The Liquidating Trustee has reviewed the Claim and determined that the Claim is allowable, but that the Claimant failed to specify a dollar amount of the Claim and also inadvertently failed to check the priority box on the proof of claim form. The Debtor's books and records indicate the Claimant was owed \$6,831.73 in priority wages and benefits, and is owed another \$1,511.52 as a general unsecured claim.

17.

To ensure that the claims register is accurate and does not inaccurately overstate the Debtor's liabilities, to avoid the possibility of multiple recoveries, and to expedite recoveries to creditors by reducing the cash reserve funded for distributions to holders of claims that are neither allowed nor disallowed or disputed in these cases, and reverting the amount of funds reserved for the Claim to the segregated account for the benefit of allowed General Unsecured Claims, the Liquidating Trustee seeks entry of an Order allowing the Claim as a priority claim in the amount of \$6,831.73, and allowing the Claim as a general unsecured claim in the amount of \$1,511.52.

18.

Accordingly, the Liquidating Trustee objects to the Claim.

RESERVATION OF RIGHTS

19.

The Liquidating Trustee specifically reserves the right to file additional objections to the Claim, or to any other proofs of claim filed against the Debtor but not objected to herein, either pursuant to the grounds for objection set forth herein or any other such grounds as may be appropriate. In addition, the Liquidating Trustee reserves the right to respond to any matter raised in opposition to this Objection.

NOTICE

20.

Notice of this Objection and the hearing regarding the same will be provided to the Claimant and the United States Trustee. The Liquidating Trustee submits that such notice is sufficient and that no other notice is required under the terms of the Plan.

WHEREFORE, the Liquidating Trustee respectfully requests the entry of an order:

(a) Allowing the Claim as a priority claim in the amount of \$6,831.73, and allowing the Claim as a general unsecured claim in the amount of \$1,511.52; and

(b) Granting such other and further relief as the Court deems is just and appropriate.

Respectfully submitted, this 6th day of March, 2025.

SCROGGINS, WILLIAMSON & RAY, P.C.

By: /s/ Matthew W. Levin

J. ROBERT WILLIAMSON

Georgia Bar No. 765214

MATTHEW W. LEVIN

Georgia Bar No. 448270

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Counsel for the Liquidating Trustee

EXHIBIT A

Claim No. 10101

United States Bankruptcy Court for the Northern District of Georgia	
Name of Debtor: Envistacom, LLC Case Number: 23-52696	For Court Use Only Claim Number: 0000010101 File Date: 07/10/2023 08:37:47

Proof of Claim (Official Form 410)

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. With the exception of 503(b)(9), do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

04/22

Part 1: Identify the Claim	
1. Who is the current creditor? Name of the current creditor (the person or entity to be paid for this claim): <u>David J Goldstein</u> Other names the creditor used with the debtor: _____	
2. Has this claim been acquired from someone else? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	
Where should notices to the creditor be sent? Name <u>David J Goldstein</u> Address <u>11318 Tiverton Trace</u> _____ _____ City <u>Fort Myers</u> State <u>FL</u> ZIP Code <u>33913</u> Country (if International): _____ Phone: <u>2393960483</u> Email: <u>davidgoldstein53@gmail.com</u>	Where should payments to the creditor be sent? (if different) Name _____ Address _____ _____ _____ City _____ State _____ ZIP Code _____ Country (if International): _____ Phone: _____ Email: _____
4. Does this claim amend one already filed? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims register (if known) _____ Filed on _____ MM / DD / YYYY	5. Do you know if anyone else has filed a proof of claim for this claim? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____

<div>6. Do you have any number you use to identify the debtor?</div> <div><input checked="" type="checkbox"/> No</div> <div><input type="checkbox"/> Yes.</div> <div>Last 4 digits of the debtor's account or any number you use to identify the debtor:</div> <div>_____</div>	<div>7. How much is the claim?</div> <div>undetermined</div> <div>\$ _____</div> <div>Does this amount include interest or other charges?</div> <div><input type="checkbox"/> No</div> <div><input checked="" type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).</div>	<div>8. What is the basis of the claim?</div> <div>Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.</div> <div>Employee - Wages, Benefits, Severance</div> <div>_____</div>
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<div>9. Is all or part of the claim secured?</div> <div><input checked="" type="checkbox"/> No</div> <div><input type="checkbox"/> Yes. The claim is secured by a lien on property.</div> <div>Nature of property:</div> <div><input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (official Form 410-A) with this <i>Proof of Claim</i>.</div> <div><input type="checkbox"/> Motor vehicle</div> <div><input type="checkbox"/> Other. Describe: _____</div> <div>Basis for perfection:</div> <div>_____</div> <div>Attach redacted copies of documents, if any, that show evidence of perfection of security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)</div> <div>Value of property: \$ _____</div> <div>Amount of the claim that is secured: \$ _____</div> <div>Amount of the claim that is unsecured: \$ _____</div> <div>(The sum of the secured and unsecured amounts should match the amount in line 7.)</div> <div>Amount necessary to cure any default as of the date of the petition: \$ _____</div> <div>Annual Interest Rate (when case was filed) _____%</div> <div><input type="checkbox"/> Fixed <input type="checkbox"/> Variable</div>	<div>10. Is this claim based on a lease?</div> <div><input checked="" type="checkbox"/> No</div> <div><input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of petition.</div> <div>\$ _____</div>	<div>11. Is this claim subject to a right of setoff?</div> <div><input checked="" type="checkbox"/> No</div> <div><input type="checkbox"/> Yes. Identify the property: _____</div>
	<div>12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?</div> <div><input checked="" type="checkbox"/> No</div> <div><input type="checkbox"/> Yes. Check one:</div> <div><input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).</div> <div><input type="checkbox"/> Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).</div> <div><input type="checkbox"/> Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).</div> <div><input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).</div> <div><input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).</div> <div><input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507 (a) (_____) that applies.</div> <div>* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.</div> <div>A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.</div> <div>Amount entitled to priority</div> <div>\$ _____</div> <div>\$ _____</div> <div>\$ _____</div> <div>\$ _____</div> <div>\$ _____</div> <div>\$ _____</div>	

13. Does this claim qualify as an Administrative Expense under 11 U.S.C. § 503(b)(9)?

☒ No

☐ Yes. Amount that qualifies as an Administrative Expense under 11 U.S.C. § 503(b)(9): \$ _____

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☒ I am the creditor.
- ☐ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other co-debtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

David Goldstein 07/10/2023 08:37:47
Signature Date

Provide the name and contact information of the person completing and signing this claim:

Name David Goldstein

Address 11318 Tiverton Trace

City Fort Myers

State FL Zip 33913

Country (in international) United States

Phone 239-396-0483

Email davidgoldstein53@gmail.com

Official Form 206E/F		Schedule E/F: Creditor
Debtor	EnvisiCom, LLC (Name)	
Part 1: Additional Page		
2.89	Priority creditor's name and mailing address GOLDSTEIN, DAVID J 11318 TIVERTON TRACE FORT MYERS, FL 33913 Date or dates debt was incurred VARIOUS Last 4 digits of account number:	As of the pe <i>Check all that</i> <input type="checkbox"/> Contingen <input type="checkbox"/> Unliquida <input type="checkbox"/> Disputed Basis for the EMPLOYEE Is the claim <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes

CERTIFICATE OF SERVICE

This is to certify that on March 6, 2025, the foregoing *Liquidating Trustee's Objection to Claim No. 10101 Filed by David J. Goldstein* and the *Notice of Liquidating Trustee's Objection to Claim No. 10101 Filed by David J. Goldstein, Deadline to Object and for Hearing* for same were served via the Court's CM/ECF system on all counsel of record registered in this case through CM/ECF, and via United States Mail in a properly addressed envelope with adequate postage thereon to:

David J. Goldstein
11318 Tiverton Trace
Fort Meyers, FL 33913

This 6th day of March, 2025.

SCROGGINS & WILLIAMSON, P.C.

By: /s/ Matthew W. Levin
J. ROBERT WILLIAMSON
Georgia Bar No. 765214
MATTHEW W. LEVIN
Georgia Bar No. 448270

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Counsel for the Liquidating Trustee