

Filing a claim for The Plastic Merchant bankruptcy:

Purpose: If you are owed money from The Plastic Merchant and did not receive information in October 2019 about being included as a creditor in a bankruptcy filing, you can notify the court and file a claim with these instructions.

Disclaimer: The author(s) of this document are not attorneys and are owed money from The Plastic Merchant. This should not be considered legal advice. Also, you will most likely not receive any money from this bankruptcy as the debtors assert that they have nothing left.

Why should you file a claim?

- There is a possibility that the bankruptcy process will find assets that were not disclosed. If you have a claim, you may be eligible for a portion of the assets found.
- It is also possible that the person in charge of representing the interests of those of us owed money (the bankruptcy trustee) might “look harder” knowing that significant information was left off the original bankruptcy filing document.
- You are helping to discourage future unethical behavior in the reselling business.

If you need a copy of the original bankruptcy filing document, visit:

https://www.courtlistener.com/recap/gov.uscourts.moeb.430379/gov.uscourts.moeb.430379.1.0_2.pdf

STEP 1: Review the original bankruptcy filing document (see link above if you need a copy). The names of creditors start on page 31. Look for your name. Do not file another claim if you are already on the list. If you are already on the list, you do not need to do anything at the moment.

This document does not contain instructions for fixing incorrect information, only for filing a claim if you are not on the list. For questions, please contact the court-appointed bankruptcy trustee:

Charles W Riske
Attorney at Law
215 Chesterfield Business Parkway
Chesterfield, MO 63005
Contact phone: (314) 749-4331
Email: riske@cwrlaw.com

STEP 2: If your name is missing and you are owed money:

It is possible that The Plastic Merchant merely forgot to include you as a creditor. However, intentionally leaving a creditor off a bankruptcy filing is considered perjury.

You can file a claim. This will ensure that you are listed as a creditor and receive updates on the case.

Make sure you can prove what you are owed. For instance, a bank record from a bounced check, your TPM purchase order data, etc. before starting the claim.

- a) Go to the website for the Eastern Missouri Bankruptcy Court:
<https://www.moeb.uscourts.gov/epoc-electronic-proof-claim-filing>
- b) Select “File/Amend a Claim”

ePOC (Electronic Proof of Claim Filing)

ePOC (Electronic Proof of Claim Filing) is a program designed to streamline claims processing by allowing Creditors to file a claim, amend a claim, and withdraw a claim via the internet. The ePOC program will automatically prepare the official Bankruptcy Proof of Claim (B410) form based on the information entered into the program. (Version 5.0 12/19/2016)



- Proof of Claim forms for all chapters may be filed electronically.
- The name and complete address of the creditor must appear on the claim form. If an attorney is filing the claim on behalf of a creditor, the attorney should also enter his/her name and address. The name and title, if any, of the person authorized to file the claim is required on the claim form.

Penalty for filing a fraudulent claim:

Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 11 U.S.C. §§ 152 and 3571.

- File/Amend a Claim **Attention: The recommended browser for ePOC is Internet Explorer or latest Mozilla Firefox. To avoid any errors in filing your claim do not use any other browser.**
- Withdraw a Claim

c) Enter the case number 19-46230, your name, and select "Creditor"

A screenshot of the "File Claim" form on the United States Bankruptcy Court Eastern District of Missouri website. The form has a blue header with the text "United States Bankruptcy Court Eastern District of Missouri". Below the header, the title "File Claim" is displayed in blue. A red warning message states: "Attention: The recommended browsers for ePOC are Internet Explorer or latest Mozilla Firefox. To avoid any errors in filing your claim do not use any other browser." The form contains several input fields: "Case Number" with the value "19-46230" and a "Find This Case" button; "Name of Creditor" with the value "John Q Sample"; and "Filed by" with a dropdown menu set to "Creditor". Below these fields is a yellow box containing two notices: "IMPORTANT NOTICE OF REDACTION RESPONSIBILITY" and "IMPORTANT WARNING". At the bottom of the yellow box is a checked checkbox with the text "I understand that, if I file, I must comply with the redaction rules. I have read this notice." A "Next" button is located at the bottom left of the form.

d) Select "OK" if you receive a message about complying with redaction rules

e) Select "Creditor not listed"

A screenshot of the "Select Creditor" form on the United States Bankruptcy Court Eastern District of Missouri website. The form has a blue header with the text "United States Bankruptcy Court Eastern District of Missouri". Below the header, the title "Select Creditor" is displayed in blue. There is a single radio button option labeled "Creditor not listed".

f) Fill out the form, it should only take a couple of minutes. See the example on the next page if you are unsure how to fill-out the form.

You selected "FILED BY" as DEBTOR or DEBTOR ATTORNEY. If this is incorrect, [START OVER!!](#)

ALL "Yes/No" Questions MUST be ANSWERED

CONFIRM this is the CORRECT Case

Debtor 1: Michael Dean
Debtor 2 (Spouse, if filing): Meredith Dean
Case number: 19-46230

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.

Part 1: Identify the Claim

1. Who is the current creditor?
John Q Sample
Name of the current creditor (the person or entity to be paid for this claim)

Address where notices should be sent (Do not add the creditor's name in the address)
123 Main St

Check for a Foreign Address
(City, State, Zip) Anytown, NY 10000 -

Telephone Number: 212-555-0000
Email: fakeemail@email.com

Other names the creditor used with the debtor

2. Has this claim been acquired from someone else? Yes No

3. Where should notices and payments to the creditor be sent? (Notice Address Completed in Section 1)
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)
 CHECK if Payment Address differs from Notice Address
Uniform claim identifier for electronic payments in chapter 13 (if you use one):
[\(See instructions\)](#)

4. You must select the creditor who filed the claim to amend a claim
Does this claim amend one already filed? Yes No

5. Do you know if anyone else has filed a proof of claim for this claim? Yes No

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? Yes No

7. How much is the claim? (required) 563.00
Does this amount include interest or other charges?
 No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

If you have entered a claim amount of \$0, the claim amount is unknown, or the claim is unliquidated, please enter a brief explanation.
Comment:

8. What is the basis of the claim? (required)
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 healthcare information.
Good sold, non-sufficient funds payment made [\(See instructions\)](#)

9. Is all or part of the claim secured?
 No
 Yes. The claim is secured by a lien on property.

10. Is this claim based on a lease?
 No
 Yes. Amount necessary to cure any default as of the date of the petition. \$

11. Is this claim subject to a right of setoff?
 No
 Yes. Identify the property:

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?
 No
 Yes Check all that apply: Amount entitled to priority

- Necessary documentation can be attached to the Proof of Claim after the information for the form is submitted.
- Attachments to the Proof of Claim are required to be PDF files.
- Attachments to the Proof of Claim are NOT to exceed 15 Mb in size.
- Multiple attachments to the Proof of Claim are permitted.
- Do not upload a completed Proof of Claim form as an attachment to this filing. Attaching a completed Proof of Claim will result in multiple versions of the form being filed (the electronically created proof of claim form plus the proof of claim attached). If filing an Amended Proof of Claim, the attachment of the previously filed claim is allowed.

Note: You will have the option to select files to upload for this claim once you click on the "Submit Claim" button below

Do you wish to attach supporting documentation? Yes No

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: **(required)**

- 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 codebtor. 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.

Print the name of the person who is completing and signing this claim:

Signature* *Type Full Name **(required)**

Title

Company

Identify the corporate servicer as the company if the authorized agent is a servicer

Address

Number and Street

(City, State, Zip) -

Contact Phone:

Email:

g) The bankruptcy court will send you mail with any important follow-ups

h) You can monitor the case and any new claims here:

<https://www.courtlistener.com/docket/16291334/michael-christopher-dean-and-meredith-leigh-miller-dean/>

i) You may also attend the meeting of creditors on November 15 (optional)

7. Meeting of creditors

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.

November 15, 2019 at 09:00 AM

The meeting may be continued or adjourned to a later date. If so, the date will be on the Court docket.

Location:

1001 Schroeder Creek Blvd., Wentzville, MO 63385