

**Fill in this information to identify the case:**

Debtor AgileThought, LLC

United States Bankruptcy Court for the: \_\_\_\_\_ District of Delaware  
(State)

Case number 23-11308

**Official Form 410  
Proof of Claim**

**04/22**

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. 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 or 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.**

**Part 1: Identify the Claim**

<p><b>1. Who is the current creditor?</b></p>	<p><u>Bank of America, N.A.</u></p> <p><small>Name of the current creditor (the person or entity to be paid for this claim)</small></p> <p>Other names the creditor used with the debtor _____</p>	
<p><b>2. Has this claim been acquired from someone else?</b></p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. From whom? _____</p>	
<p><b>3. Where should notices and payments to the creditor be sent?</b></p> <p><small>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</small></p>	<p><b>Where should notices to the creditor be sent?</b></p> <p>Bank of America, N.A. c/o Hillary Crabtree Moore and Van Allen PLLC 100 North Tryon Street, Suite 4700 Charlotte, NC 28202, United States</p> <p>Contact phone <u>704-331-3571</u></p> <p>Contact email <u>hillarycrabtree@mvalaw.com</u></p>	<p><b>Where should payments to the creditor be sent? (if different)</b></p> <p>Bank of America, N.A. Attn: Dan Butler 1 Financial Plaza RI1-537-03-02 Providence, RI 02903</p> <p>Contact phone <u>401.278.8042</u></p> <p>Contact email <u>daniel.d.butler@bofa.com</u></p> <p>Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____</p>
<p><b>4. Does this claim amend one already filed?</b></p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ <small>MM / DD / YYYY</small></p>	
<p><b>5. Do you know if anyone else has filed a proof of claim for this claim?</b></p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Who made the earlier filing? _____</p>	



**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?  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 0475 \_\_\_ \_\_\_

7. How much is the claim? \$ 172038.51. 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).

8. What is the basis of the claim? 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.  
PPP Loan, See Addendum

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.  
**Nature or property:**  
 Real estate: If the claim is secured by the debtor's principle residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
 Motor vehicle  
 Other. Describe: \_\_\_\_\_  
**Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  
**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amount should match the amount in line 7.)  
**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_  
**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
 Fixed  
 Variable

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
<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$ _____
<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).	\$ _____
<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).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies.	\$ _____

\* 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.

13. Is all or part of the claim entitled to administrative priority pursuant to 11 U.S.C. 503(b)(9)?

No

Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ \_\_\_\_\_

**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 codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement 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 reasonable belief that the information is true and correct.

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

Executed on date 05/06/2024  
MM / DD / YYYY

/s/Daniel D. Butler  
Signature

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

Name Daniel D. Butler  
First name Middle name Last name

Title Senior Vice President / SAG Senior Executive Special Assets Group

Company Bank of America, N.A.  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 1 Financial Plaza , RI1-537-03-02, Providence, RI, 02903

Contact phone 401.278.8042 Email daniel.d.butler@bofa.com



# KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (866) 548-5856 | International (781) 575-2073

<b>Debtor:</b> 23-11308 - AgileThought, LLC		
<b>District:</b> District of Delaware		
<b>Creditor:</b> Bank of America, N.A. c/o Hillary Crabtree Moore and Van Allen PLLC 100 North Tryon Street Suite 4700 Charlotte, NC, 28202 United States <b>Phone:</b> 704-331-3571 <b>Phone 2:</b>  <b>Fax:</b> 704-339-5968 <b>Email:</b> hillarycrabtree@mvalaw.com	<b>Has Supporting Documentation:</b> Yes, supporting documentation successfully uploaded <b>Related Document Statement:</b>	
<b>Has Related Claim:</b> No <b>Related Claim Filed By:</b>		<b>Filing Party:</b> Creditor
<b>Disbursement/Notice Parties:</b> Bank of America, N.A. Attn: Dan Butler 1 Financial Plaza RI1-537-03-02 Providence, RI, 02903 <b>Phone:</b> 401.278.8042 <b>Phone 2:</b>  <b>Fax:</b>  <b>E-mail:</b> daniel.d.butler@bofa.com <b>DISBURSEMENT ADDRESS</b>		
<b>Other Names Used with Debtor:</b>	<b>Amends Claim:</b> No <b>Acquired Claim:</b> No	
<b>Basis of Claim:</b> PPP Loan, See Addendum	<b>Last 4 Digits:</b> Yes - 0475	<b>Uniform Claim Identifier:</b>
<b>Total Amount of Claim:</b> 172038.51	<b>Includes Interest or Charges:</b> Yes	
<b>Has Priority Claim:</b> No	<b>Priority Under:</b>	
<b>Has Secured Claim:</b> No <b>Amount of 503(b)(9):</b> No <b>Based on Lease:</b> No <b>Subject to Right of Setoff:</b> No	<b>Nature of Secured Amount:</b> <b>Value of Property:</b> <b>Annual Interest Rate:</b> <b>Arrearage Amount:</b> <b>Basis for Perfection:</b> <b>Amount Unsecured:</b>	

**Submitted By:**

Daniel D. Butler on 06-May-2024 3:13:55 p.m. Eastern Time

**Title:**

Senior Vice President / SAG Senior Executive Special Assets Group

**Company:**

Bank of America, N.A.

**Optional Signature Address:**

1 Financial Plaza

RI1-537-03-02

Providence, RI, 02903

**Telephone Number:**

401.278.8042

**Email:**

daniel.d.butler@bofa.com

**In re AgileThought, LLC, Case No. 23-11308**  
**Addendum to Proof of Claim of Bank of America, N.A.**

This proof of claim arises in connection with that certain Paycheck Protection Program loan dated May 2, 2020, in the original principal amount of \$7,590,117.00 between AgileThought, LLC (the “Debtor”) and Bank of America, N.A. (the “Lender”) (as amended or otherwise modified from time to time, the “PPP Loan”).

**Obligations under the PPP Loan**

Prior to August 28, 2023 (the “Petition Date”), the Small Business Administration (the “SBA”) approved the Debtor’s Paycheck Protection Program loan forgiveness application and subsequently remitted \$7,279,851.00 to the Lender. The PPP Loan was not paid in full by the SBA. A copy of the notice received by the Lender that a portion of the PPP Loan had been forgiven by the SBA is attached hereto as Exhibit A.

As of the Petition Date, the Debtor’s outstanding obligations to the Lender under the PPP Loan are as follows:

Principal Balance	\$171,911.61
Interest	\$126.90
<b>Total Obligations as of the Petition Date</b>	<b>\$172,038.51</b>

**Reservation of Rights**

The Lender hereby reserves the right to amend and supplement this claim and/or to file additional proofs of claim for additional claims if the Lender should deem it necessary and appropriate for any reason, including, without limitation, to provide an updated statement of amount due or for any other purpose for which a proof of claim filed in this case may be amended, including, *inter alia*, claims for administrative expenses or other claims entitled to priority.

The Lender further reserves all of its rights and claims against the Debtor, including, without limitation, the right to assert all defenses and counterclaims available to it under applicable law and to assert rights of reimbursement, indemnification and setoff under 11 U.S.C. § 553, as applicable. The claims set forth herein are not subject to any valid defense, setoff, recoupment, or counterclaim.

Counsel for the Lender specifically requests that a copy of any objection to this claim, any request for the any of the documents listed herein, or any action by a party-in-interest to estimate or disallow this claim for any purpose also be sent to the Lender’s counsel at the following address: Moore & Van Allen PLLC, Attn: Steve Gruendel, 100 North Tryon Street, Suite 4700, Charlotte, NC 28202-4003.

The filing of this amended proof of claim shall not constitute: (a) a waiver or release of any rights of the Lender against the Debtor or any other person or any property in which the Lender has an interest; (b) an admission of any kind by the Lender; (c) an election of remedies; or (d) a waiver, consent or release by the Lender of any other rights, claim, actions, defenses, setoffs or recoupments to which it is or may be entitled under agreements in law, in equity or otherwise, all of which rights, claims, actions, defenses, setoffs and recoupments are expressly reserved.

[End of Addendum]

**Exhibit A**

**SBA's Loan Forgiveness Notice**



**SMALL BUSINESS ADMINISTRATION  
WASHINGTON, DC 20416**

01/19/2022

VIA FORGIVENESS PLATFORM

Susan Daly

Bank of America, National Association

Re: PAYCHECK PROTECTION PROGRAM FINAL SBA LOAN REVIEW DECISION

Borrower: AGILETHOUGHT LLC

SBA Loan No.: 5137817310

Approved Loan Amount: \$7,590,117.00

Loan Approval Date: 04/30/2020

Lender Forgiveness Decision Submission Date: 12/22/2020

Lender Forgiveness Decision Amount: \$7,590,117.00

SBA Final Forgiveness Amount: \$ 7,279,851.00

*Dear: Susan Daly*

The U.S. Small Business Administration (SBA) has completed its review of the above-referenced Paycheck Protection Program (PPP) loan. Based on a review of lender and/or borrower submissions, and consideration of the facts and circumstances, SBA has made a final SBA loan review decision.

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**SBA has determined that the borrower was ineligible for the PPP loan amount received. The reason(s) for SBA's decision is as follows:**

**After review of the documentation provided, the SBA has recalculated the borrower's maximum eligible loan amount and thus limited forgiveness to this eligible amount.**

**Utilizing the 2019 payroll provided Gross Wages in the amount of \$41,050,880.56 . \$9,145,262.00 for compensation exceeding 100k annually was also verified. The 2019 Tax Return provided employers contributions to Benefits in the amount of \$2,334,200.00 and \$703,609 in employer contributions to retirement plans. Employer contributions to 2019 SUTA in the amount of \$800.00 was also verified. This would produce a loan amount of \$7,279,839.00.**

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Based on the above stated reason(s), SBA has determined that forgiveness in the amount of \$7,279,851.00 is appropriate. Additional details regarding the forgiveness payment amount (if any) will be provided in a Notice of Paycheck Protection Program Forgiveness Payment.

Within 5 business days of the date of this letter, you must provide a copy of this final SBA loan review decision to the borrower.

You must continue to service the loan. You must notify the borrower that the remaining balance of the loan after application of the forgiveness payment (if any) must be repaid on or before the maturity date. The notification must include the date on which the first principal and interest payment is due and the amount of the borrower's regular payment. As set forth below, if the borrower files a timely appeal with SBA's Office of Hearings and Appeals (OHA), the deferment period of the loan will be extended pursuant to 13 CFR § 134.1211.

Pursuant to 13 CFR § 134.1201(b), the borrower has the right to appeal to SBA's Office of Hearings and Appeals a final SBA loan review decision that the borrower:

1. was ineligible for a PPP loan;
2. was ineligible for the PPP loan amount received or used the PPP loan proceeds for unauthorized uses;
3. is ineligible for PPP loan forgiveness in the amount determined by the lender in its full approval or partial approval decision issued to SBA; and/or
4. is ineligible for PPP loan forgiveness in any amount when the lender has issued a full denial decision to SBA.

Any appeal must be made in accordance with the SBA Rules of Practice for Borrower Appeals of Final SBA Loan Review Decisions Under the Paycheck Protection Program, located at 13 CFR § 134.1201, *et seq.*, including but not limited to the following:

- An appeal petition must be filed with SBA's Office of Hearings and Appeals (OHA) within 30 calendar days after the borrower's receipt of the final SBA loan review decision. 13 CFR § 134.1202(a). To file and manage an appeal of a final SBA loan review decision with OHA, refer to [Office of Hearings and Appeals](#).
- Borrower must include, among other things, a copy of this final SBA loan review decision with its appeal. 13 CFR § 134.1204(a).
- Borrower must provide you (the lender) with a copy of the timely appeal petition filed with OHA so that you can extend the deferment period of the loan. 13 CFR § 134.1202(b).
- An appeal to OHA is an administrative remedy that must be exhausted before judicial review of a final SBA loan review decision may be sought in a federal district court. 13 CFR § 134.1201(d).

Thank you for your cooperation.

Sincerely,

Office of Capital Access  
U.S. Small Business Administration