

Trustee Carickhoff Initiates Avoidance Actions in AS Wind Down LLC et al Bankruptcy

May 17, 2021, District of Delaware – About thirty-five clawback actions were initiated in the bankruptcy case of AS Wind Down, LLC, et al earlier last week. Plaintiff David W. Carickhoff in his capacity as Chapter 7 Trustee for the estates of AS Wind Down LLC (f/k/a Avenue Stores, LLC), et al brought these lawsuits under Rule 7001(1) of the Federal Rules of Bankruptcy Procedure and Sections 547 and 550 of the Bankruptcy Code. The Trustee seeks to avoid and recover certain avoidable transfers that were allegedly made by the Debtors to various defendants 90 days before the petition date. The Trustee also objects to several scheduled claims filed by the creditors.

The claim amount for the adversary proceeding ranges from \$56,450 to \$3,205,206.39 across the thirty-five lawsuits that had been filed against various defendants. The largest case in the group is filed against FB Flurry LLC.

The Debtors include – AS Wind Down LLC (f/k/a Avenue Stores, LLC); OURGII Wind Down LLC, (f/k/a Ornatus URG Holdings, LLC); OURGRE Wind Down LLC (f/k/a Ornatus URG Real Estate, LLC); and OURGGC Wind Down, LLC (f/k/a Ornatus URG Gift Cards, LLC). The Debtors were specialty retailers in the United States offering plus-size clothing to women who wear larger-size clothing. The company served a target audience of women aged between 25 and 55 years of age, wearing apparel of size 14 or larger, and also sold shoes and accessories. AS Wind Down LLC and its affiliated debtors filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code on August 16, 2019.

Plaintiff is represented by Pachulski Stang Young & Jones LLP. The case has been assigned to the Honorable Laurie Selber Silverstein. The case is *In re AS Wind Down LLC (f/k/a Avenue Stores, LLC)*, *et al* under case number – 19-11842-LSS