

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE:	)	CHAPTER 11
	)	
RYNE JOSEPH VITUG,	)	CASE NO. 25-13120
	)	
DEBTOR.	)	HON. DAVID D. CLEARY

**NOTICE OF MOTION**

TO: See attached list

PLEASE TAKE NOTICE that on **Wednesday, December 17, 2025, at 10:00 a.m.**, I will appear before the Honorable David D. Cleary, or any judge sitting in that judge's place, **either** in courtroom 644 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn Street, Chicago, IL 60604, **or** electronically as described below, and present the **UNITED STATES TRUSTEE'S MOTION TO CONVERT OR DISMISS A CHAPTER 11 CASE PURSUANT TO 11 U.S.C. § 1112(b) AND TO SHORTEN NOTICE**, a copy of which is attached.

**Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.**

**To appear by Zoom using the internet**, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

**To appear by Zoom using a telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

**Meeting ID and passcode.** The meeting ID for this hearing is **161 122 6457** and the passcode is **Cleary644**. The meeting ID and passcode can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

/s/ Joshua D. Greene

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**CERTIFICATE OF SERVICE**

I, Joshua D. Greene,

☒ an attorney, certify

- or -

☐ a non-attorney, declare under penalty of perjury under the laws of the United States of America

that on December 4, 2025, I caused to be served copies of this Notice, the attached Motion and proposed order on the ECF Registrants shown below *via* the Court's Electronic Notice for Registrants and for all other entities listed on the service list, *via* First Class US Mail by BMC Group. A supplement to this Certificate of Service from BMC Group will be filed.

/s/ Joshua D. Greene

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**Registrants Served Via First Class Mail**

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Label Matrix for local noticing

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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE:	)	CHAPTER 11
	)	
RYNE JOSEPH VITUG,	)	CASE NO. 25-13120
	)	
DEBTOR.	)	HON. DAVID D. CLEARY

**UNITED STATES TRUSTEE’S MOTION TO DISMISS OR CONVERT  
CASE PURSUANT TO 11 U.S.C. § 1112(b) AND TO SHORTEN NOTICE**

Adam G. Brief, the Acting United States Trustee for the Northern District of Illinois (the “U.S. Trustee”), by and through his attorney, Joshua D. Greene, moves pursuant to 11 U.S.C. § 1112(b), for an order converting the above captioned Chapter 11 case to one under Chapter 7 for “cause,” or in the alternative, dismissing the case (the “Motion”) and to shorten notice. In support of the Motion, the U.S. Trustee states as follows:

**JURISDICTION**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334.
2. This is a core proceeding concerning the administration of the estate pursuant to 28 U.S.C. § 157(b)(2)(A) which this Court may hear and determine in accordance with the referral contained in IOP 15(A) and LR 40.3.1 of the United States District Court for the Northern District of Illinois.
3. Venue of this case in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
4. The U.S. Trustee has standing to file the Motion under 11 U.S.C. § 307 and 28 U.S.C. § 586(a)(3).

**FACTUAL SUMMARY**

5. On August 26, 2025 (the “Petition Date”), Ryne Joseph Vitug (“Debtor”) filed a voluntary petition for relief under Chapter 11 of the U.S. Bankruptcy Code, thereby commencing the Case.

6. Ira Bodenstein was appointed as Subchapter V trustee and continues to serve in that capacity.

7. The Debtor is represented in the bankruptcy case by David Christian, though as of the date of this motion, Mr. Christian has not filed an application to employ himself as bankruptcy counsel.

8. The Debtor is an Illinois licensed attorney who was previously employed as an in-house attorney at a large commercial insurance company. Sometime in 2022 or 2023 he began operating a business called Vitug Travel, where he arranged travel and entertainment for individuals and their families.

9. The Debtor’s customers paid deposits directly to the Debtor for vacations or entertainment, typically through Zelle or Paypal, but many of customers never received the booking that was paid for, and many of the customers never received a refund of the amount paid to the Debtor as a deposit for their bookings. The schedules on file in the bankruptcy case indicate that the Debtor is indebted to over a hundred claimants in an amount totaling over \$1.8 million. As of the date of this Motion, the claims register reflects 100 claims totaling \$862,092.15, most of which are travel-related claims.

10. Numerous people who were owed refunds began contacting Debtor seeking refunds of their deposits that were never refunded, which eventually resulted in several lawsuits against the Debtor, an ARDC investigation, and the Debtor being terminated by his employer. As of the



date of this Motion, the Debtor is not employed.

11. The U.S. Trustee held the initial Meeting of Creditors on October 1, 2025 and the continued meeting on November 20, 2025, at which the Debtor appeared and answered questions. Over 100 individuals attended the initial meeting of creditors in this case, with many of them seeking information about their deposits or when they would be refunded. At the meeting when pressed to provide information about how the deposits were used, the Debtor stated that some of the customer deposits were used to book vacations for individuals who had previously made deposits, or to refund amounts to customers that had been previously deposited. The Debtor's use of new deposits from clients to pay back prior deposits shows characteristics of a Ponzi scheme. *See In re: Lake States Commodities, Inc.*, 253 B.R. 866, Fn. 2 (Bankr. N.D. Ill. 2000) ("In a Ponzi scheme, an enterprise makes payments to investors with monies received from newly attracted investors, rather than from profits of a legitimate business venture.")

12. After the Initial Meeting of Creditors, the U.S. Trustee requested certain information from the Debtor, including: (1) bank statements for all of the Debtor's bank account, Paypal or Venmo accounts; (2) tax returns; (3) copies of all complaints listed on the Statement of Financial Affairs; (4) copies of any spreadsheets reflecting the use of any funds tendered to the Debtor by any creditor, and (5) any emails confirming the booking of travel or entertainment arrangements for any of the creditors. In response the Debtor only provided copies of his tax returns, claiming to have no other records. To date, the Debtor has provided no accounting of how the many deposits he received were actually used.

13. On November 24, 2025, the last date for filing of a plan under Section 1189 of the Bankruptcy Code, the Debtor filed a Subchapter V Plan of Reorganization (the "Plan"). The Plan contains no projections or liquidation analysis as required by Section 1190 of the Bankruptcy

Code. The Plan places “Travel & Entertainment Claims” into Class 2 and “Loan Claims” into Class 3. The Plan proposes to pay each creditor in Classes 2 and 3 10% of “the Debtor’s reasonable and necessary living expenses, over the five (5) year period after the Effective Date, as reflected in the Budget attached hereto as Exhibit B.” *See* Plan, Dkt. 44, pp. 7-8. No budget is attached identifying the Debtor’s expected living expenses.

14. While the case has been pending for over three months, the Debtor has not filed a single operating report. While the Debtor has no income and testified that he resides with his parents, it is unclear how he lives day to day. The Debtor has not opened a Debtor in Possession Account and has provided no accounting of how he makes ends meet.

### **ARGUMENT**

#### **CAUSE EXISTS TO CONVERT OR DISMISS THIS CASE**

15. In relevant part, Section 1112(b) of the Bankruptcy Code provides that on the request of a party in interest, and after notice and a hearing, the court shall convert the case to Chapter 7 or dismiss the case, whichever is in the best interests of creditors of the estate, so long as the movant establishes “cause.” See 11 U.S.C. § 1112(b)(1).

16. Section 1112(b)(4) sets forth a list of sixteen grounds that constitute “cause” for conversion or dismissal. See 11 U.S.C. § 1112(b)(4)(A)-(P). This list is not exhaustive, and a case may be dismissed or converted for causes other than those specifically identified in section 1112(b)(4). *See In re Tekena USA, LLC*, 419 B.R. 341, 346 (Bankr. N.D. Ill. 2009); *In Matter of Strug-Division, LLC*, 375 B.R. 445, 448 (Bankr. N.D. Ill. 2007).

17. “The court must convert a case to chapter 7 or dismiss the case if there is ‘cause’ to do so” unless the debtor can establish one of the exceptions. *See In re Aurora Memory Care, LLC*, 589 B.R. 631, 638 (Bankr. N.D. Ill. 2018). Once cause is established, the debtor has the burden of

proving the required exceptions to fend off conversion or dismissal. *Id.* To fend off conversion or dismissal, the court must find “unusual circumstances” “establishing that converting or dismissing the case is not in the best interest of creditors and the estate.” 11 U.S.C. § 1112(b)(2).

18. Multiple reasons exist to convert or dismiss the present case. First, the Debtor has failed to fulfill basic obligations as a Debtor in possession by failing to file monthly operating reports, failing to file a complete plan prior to the 90 day deadline and failing to provide information requested by the United States Trustee. Second, the Debtor has no reasonable likelihood of reorganizing

**I. Failure to Fulfill Duties as Debtor in Possession**

**A. The Debtor Has Failed to File Required Monthly Operating Reports**

19. The “unexcused failure to satisfy timely any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter” constitutes “cause” to convert or dismiss a case. *See* 11 U.S.C. § 1112(b)(4)(F); *see also In re Draiman*, 450 B.R. 777, 826 (Bankr. N.D. Ill. 2011). Debtors are required to timely file reports during the pendency of a Chapter 11 case. *See* 11 U.S.C. §§ 704(a)(8), 1106(a)(1), 1107(a).

20. “Timely and accurate financial disclosure is the life blood of the Chapter 11 process.” *In re Berryhill*, 127 B.R. 427, 433 (Bankr. N.D. Ind. 1991). The reports are necessary to provide financial information about the debtor, and “a report filed late may be the practical equivalent of a failure to file any financial information at all.” *In re Hyperion Found., Inc.*, No. 08-51288-NPO, 2009 WL 2477392, at \*6 (Bankr. S.D. Miss. Aug. 11, 2009). A Chapter 11 debtor who fails to timely file monthly operating reports thus fails to “satisfy timely [a] filing or reporting requirement established by” the Bankruptcy Code, which in turn constitutes “cause to convert or dismiss” the debtor’s case. *See* 11 U.S.C. §§ 1112(b)(1) & (b)(4)(F); *see also In re Tornheim*, 181

B.R. 161, 164 (Bankr. S.D.N.Y. 1995) (“Refusal or inability to provide financial disclosure sounds the death knell of a chapter 11 case. The failure to file monthly operating statements...whether based on inability to do so or otherwise, undermines the Chapter 11 process and constitutes cause for dismissal or conversion of the Chapter 11 proceedings,”) (internal quotations and citations omitted).

21. The Debtor has failed to file any operating report for any of the months in which he has been in bankruptcy. While the testified he is unemployed and living with his parents, the Debtor can still file operating reports and provide an accounting of his monthly expenses during the pendency of the bankruptcy case.

**B. The Debtor Has Failed to Comply with the U.S. Trustee’s Request for Information**

22. The case should also be dismissed because the Debtor has failed to comply with the U.S. Trustee’s request for information. Section 1112(b)(4)(H) provides that a chapter 11 may be dismissed for “failure to timely provide information or attend meetings reasonably requested by the United States Trustee...” 11 U.S.C. 1112(b)(2)(H). At the Initial Meeting of Creditors, the United States Trustee requested numerous basic documents that would answer crucial questions about the Debtor’s financial affairs, including documents that would reflect pre-petition transfers or bookings made on behalf of clients. The only documents the Debtor provided were tax returns and emails between his attorney and clients demanding refunds. The Debtor provided no bank statements and no documentation of any money received or spent, simply claiming he had nothing. The Debtor has made no efforts to obtain these documents.

23. Disclosure is a fundamental component of the bankruptcy process. *See In re: Midwest Properties of Shawano, LLC*, 442 B.R. 278, 286, fn. 9 (Bankr. D. Del. 2010)( Finding

that debtor's failure to provide documents requested by U.S. Trustee constituted "cause" for dismissal under 1112(b)(4)(H)). The U.S. Trustee and parties in interest should not be required to subpoena third parties for basic documents evidencing the Debtor's financial affairs. The Debtor, as Debtor in Possession and fiduciary to creditors, has an obligation to do this on his own. The Debtor has made no efforts to obtain bank statements on his own, has made no efforts to documents any amounts that he received as deposits and has made no efforts to provide an accounting of how he conducted his pre-petition business affairs. As such, the Debtor's failure to provide these documents requested by the U.S. Trustee constitutes "cause" for dismissal or conversion.

**C. The Debtor Has Failed to Timely File A Plan**

24. Another basis to convert or dismiss this case is because the Debtor has failed to timely file a Subchapter V plan in accordance with section 1189(b). Section 1112(b)(4)(J) of the Bankruptcy Code provides that a chapter 11 plan may be dismissed for "failure to timely file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court." 11 U.S.C. §1112(b)(4)(J).

25. Section 1189(b) of the Bankruptcy Code provides that "The debtor shall file a plan not later than 90 days after the order for relief under this chapter, except that the court may extend the period if the need for the extension is attributable to circumstances for which the debtor should not justly be held accountable." Section 1190 then provides that "A plan filed under this subchapter-(1) shall include-(A) a brief history of the business operations of the debtor; (B) a liquidation analysis; and (C) projections with respect to the ability of the debtor to make payments under the proposed plan of reorganization." 11 U.S.C. §1190(1). Numerous bankruptcy courts have held that a plan that fails to include a liquidation analysis and projections fails to satisfy

section 1189(b)'s requirements. *See In re: United Safety and Alarms, Inc.*, 2024 WL 973674, \*1 (Bankr. S.D. Fla. Mar. 6, 2024); *In re: Lashley*, 664 B.R. 408, 416 (Bankr. W.D. Ky. 2024).

26. Here, because the debtor did not file projections or a liquidation analysis with its plan within the 90 days required by sections 1189(b) and 1190, the Debtor failed to timely file a plan. Accordingly, the case should be dismissed or converted. Debtors are not entitled to file a placeholder plan and avoid the statutory requirements of Subchapter V.

## **II. Absence of a Reasonable Likelihood of Rehabilitation**

27. This case should also be dismissed or converted because there is no reasonable likelihood of a successful reorganization. Section 1112(b)(4)(A) includes in the definition of “cause” the “substantial or continuing loss to or diminution of the estate and the absence of a reasonable likelihood of rehabilitation.” 11 U.S.C. §1112(b)(4)(A). The issue of rehabilitation for purposes of section 1112(b)(4)(A) is not the technical one of whether the debtor can confirm a plan, but, rather, whether the debtor’s business prospects justify continuance of the reorganization effort. *In re: LG Motors, Inc.*, 422 B.R. 110, 116 (Bankr. N.D. Ill. 2009).

28. Here, there is very little evidence that the Debtor can confirm a feasible plan. The Debtor has not been employed for many months. While the pleadings filed in this case allege that the Debtor continues to seek employment, there is no evidence he will find employment with sufficient income to fund a chapter 11 plan. Moreover, to the extent any employment is contingent on the Debtor continuing to be a licensed attorney, such continued employment is speculative given that he is party to ongoing ARDC investigations.<sup>1</sup>

29. Because the Debtor’s business prospects do not justify continuance of this chapter 11 case, the case should be dismissed or converted.

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<sup>1</sup> The Debtor filed a motion to employ counsel to assist in any open ARDC investigations, which was granted by the court. Dkt. 22

**CONCLUSION AND REQUEST FOR SHORTENED NOTICE**

30. Based on the foregoing, the U.S. Trustee submits that cause exists under Section 1112(b) to dismiss or convert this case to Chapter 7. The question of whether conversion or dismissal is in the best interests of creditors and the estate is a question committed to the discretion of the bankruptcy court. *Aurora Memory Care*, 589 B.R. at 638. In answering that question, courts often weigh which course of action will lead to the largest number of creditors receiving the most amount of money in the shortest time. *Id.* at 643. Courts also compare how creditors would fare trying to collect from the debtor in bankruptcy court as opposed to outside of bankruptcy. *Id.* In comparing those two scenarios, a key question is the availability of estate assets for a bankruptcy trustee to liquidate and use to pay creditors the money the debtor owes them. *Id.*

31. The U.S. Trustee recommends that this case be dismissed instead of converted. The Debtor appears to have no access that would be liquidated by a trustee. The only potential asset would likely be avoidance actions to reclaim funds repaid to travel claimants. However, given the fact that most claims are under \$10,000, it is unlikely that any chapter 7 trustee would seek to file avoidance actions.

32. Finally, the U.S. Trustee also requests that notice of this motion be shortened from that required by FRBP 2002 for the reasons set forth herein.

WHEREFORE, the U.S. Trustee respectfully requests this Court enter an order dismissing this case, or in the alternative, converting it to a case under Chapter 7 of the Bankruptcy Code, and for such other relief as this Court deems just.

RESPECTFULLY SUBMITTED:

ADAM G. BRIEF  
ACTING UNITED STATES TRUSTEE

Dated: November 25, 2025

By: /s/ Joshua D. Greene  
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