

Fill in this information to identify the case:Debtor Aqua Tours, S.A. de C.V.United States Bankruptcy Court for the: _____ District of Delaware
(State)Case number 25-10618**Modified Official Form 410
Proof of Claim****12/24**

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

1. Who is the current creditor?	Donna Kassewitz _____ Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	☒ No ☐ Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent? Donna Kassewitz Cooley LLP, Attn: Michael S. Neumeister 355 South Grand Avenue Suite 900 Los Angeles, CA 90071, USA Contact phone <u>213-561-3227</u> Contact email <u>mneumeister@cooley.com</u> Uniform claim identifier (if you use one): _____	Where should payments to the creditor be sent? (if different) Contact phone _____ Contact email _____
4. Does this claim amend one already filed?	☐ No ☒ Yes. Claim number on court claims registry (if known) _____ Filed on <u>9/15/2025</u> MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	☒ No ☐ Yes. Who made the earlier filing? _____	



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: ____ _

7. How much is the claim? \$ Unliquidated. 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.

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)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check all that apply:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ _____

☐ 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).

\$ _____

☐ 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).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ 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)(3) 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 09/15/2025
MM / DD / YYYY

/s/Donna Kasewitz
Signature

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

Name Donna Kasewitz
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____

Contact phone _____ Email _____



Verita (KCC) ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (888) 733-1434 | International (310) 751-2633

Debtor: 25-10618 - Aqua Tours, S.A. de C.V. District: District of Delaware		
Creditor: Donna Kassewitz Cooley LLP, Attn: Michael S. Neumeister 355 South Grand Avenue Suite 900 Los Angeles, CA, 90071 USA Phone: 213-561-3227 Phone 2: Fax: Email: mneumeister@cooley.com	Has Supporting Documentation: Yes, supporting documentation successfully uploaded Related Document Statement:	
	Has Related Claim: No Related Claim Filed By:	
	Filing Party: Creditor	
Other Names Used with Debtor:	Amends Claim: Yes, 9/15/2025 Acquired Claim: No	
Basis of Claim: See addendum	Last 4 Digits: No	Uniform Claim Identifier:
Total Amount of Claim: Unliquidated	Includes Interest or Charges: No	
Has Priority Claim: No	Priority Under:	
Has Secured Claim: No Amount of 503(b)(9): No Based on Lease: No Subject to Right of Setoff: No	Nature of Secured Amount: Value of Property: Annual Interest Rate: Arrearage Amount: Basis for Perfection: Amount Unsecured:	
Submitted By: Donna Kassewitz on 15-Sep-2025 9:53:18 a.m. Pacific Time Title: Company:		

ADDENDUM TO PROOF OF CLAIM

Donna Kassewitz (“Claimant”) files this proof of claim (this “Proof of Claim”) in connection with certain claims it has against debtor Aqua Tours, S.A. de C.V. (“Aqua Tours”) in the chapter 11 cases of Leisure Investments Holdings LLC (“LIH”) and certain of its affiliates (collectively, the “Debtors”), jointly administered under Case No. 25-10606 (LSS) in the United States Bankruptcy Court for the District of Delaware (the “Court”).

Claimant is a member of the Board of Managers (the “Board”) of non-debtor TDC Leisure Holdings LLC, a Delaware limited liability company (“Holdings”) and shareholder of approximately 4.1% interest in Holdings. Holdings is the sole member of Debtor LIH and the ultimate parent of the Debtors.

Summary of Claims

By this Proof of Claim, Claimant asserts the following claims:

A. Reimbursement Claim

Pursuant to Section 7.10 of that certain Amended and Restated Limited Liability Company Agreement of Holdings, dated as of June 27, 2022 (the “LLC Agreement”), Holdings may “cause a Subsidiary to pay, all of the reasonable out-of-pocket fees, costs and expenses (including without limitation reasonable fees and expenses of attorneys, accountants, consultants and advisors)” including but not limited to in connection with “any proceeding with respect to the bankruptcy, reorganization, insolvency, dissolution or liquidation of the Company or any Subsidiary” (the “Reimbursement Obligation”).

Pursuant to the Action by Written Consent of the Board of Holdings, dated as of March 29, 2025, the Board confirmed, authorized, ratified and approved as Reimbursement Obligations payable by the Debtors in accordance with the LLC Agreement (a) certain reasonable out-of-pocket costs and expenses incurred by Claimant and certain other members of the Board in connection with Claimant’s and such members’ duties as managers of the Board and (b) certain reasonable out-of-pocket fees, costs, and expenses (including reasonable fees and expenses of attorneys, accountants, consultants and advisors) incurred by Claimant and certain other members of the Board in connection with the operation of Holdings’ business (the “Reimbursement Claim”).

Accordingly, Claimant asserts an unsecured Claim against Aqua Tours for payment of the Reimbursement Claim in accordance with the LLC Agreement and the resolutions adopted by written consent of the Board.

To the extent the Debtors assert any claims or causes of action against Claimant, Claimant expressly asserts rights of setoff and recoupment with respect to the Reimbursement Claim.

B. Damage Claims

Claimant, in its capacity as a director and shareholder of Holdings, asserts claims against each of the Debtors, their non-debtor affiliates, and their present and former directors and officers, arising out of acts, omissions, or misconduct of such entities while operating under the control and

agency of former Chief Executive Officer Eduardo Albor Villanueva and his related or affiliated persons or entities (the “Damage Claims”). The Damage Claims include, without limitation, claims for fraud, gross mismanagement, breach of fiduciary duty, unjust enrichment, breach of the covenant of good faith and fair dealing, breach of contract, corporate waste, self-dealing, and any other claim under contract, law or in equity based on the acts, omissions, or misconduct by the Debtors, acting under the control and agency of Mr. Albor and his related or affiliated persons or entities, that have caused harm to Claimant. At all relevant times, Claimant and similarly situated directors or shareholders of Holdings were deprived of the ability to control the operations or decision-making of the Debtors. The Debtors’ actions or inactions while operating under the control and agency of Mr. Albor and his related or affiliated persons or entities have directly caused damage to Claimant, including the impairment or reduction in value of Claimant’s respective interests in Holdings, reputational and pecuniary harm to Claimant, and such other damage or injury that may be proved or demonstrated in court.

The pendency of these chapter 11 cases has revealed pervasive mismanagement and misconduct of the Debtors under the control and agency of Mr. Albor and his related or affiliated persons or entities, which substantiate the Damage Claims. The record developed in these chapter 11 proceedings demonstrates that Mr. Albor and his related or affiliated persons or entities, acting on behalf of the Debtors, engaged in intentional and willful misconduct and disregard of applicable duties, culminating in (i) the Court’s June 5, 2025 order [Docket No. 205] finding Mr. Albor in violation of the automatic stay, declaring him in contempt, and prohibiting further interference with the Debtors’ assets, and (ii) the Court’s June 26, 2025 order [Docket No.257] finding that Mr. Albor continued to violate the automatic stay and prior rulings of the Court and imposing sanctions. Such misconduct, disregard of duties, and any relevant acts or omissions of Mr. Albor or his related or affiliated persons or entities are imputed to the Debtors to the extent such persons or entities were acting for, on behalf of, or as agents of the Debtors.

Accordingly, Claimant asserts all rights, claims, and damages, whether at contract, law or in equity, against Aqua Tours, in connection with the Damage Claims.

To the extent the Debtors assert any claims or causes of action against Claimant, Claimant expressly asserts rights of setoff and recoupment with respect to the Damage Claims.

Reservation of Rights

The filing of this Proof of Claim is not and shall not be deemed or construed as: (a) a waiver or release of Claimant’s rights with respect to any non-debtors; (b) a waiver or release of Claimant’s rights against any person, entity, or property; (c) a consent by Claimant to the jurisdiction of this Court or any other court with respect to proceedings, if any, commenced in any case against or otherwise involving Claimant; (d) a waiver or release of Claimant’s right to trial by jury in this Court or any other court in any proceedings as to any and all matters so triable herein, whether or not the same be designated legal or private rights or in any case, controversy, or proceeding related hereto, notwithstanding the designation or not of such matters as “core proceedings” pursuant to 28 U.S.C. § 157(b)(2); (e) a waiver or release of Claimant’s right to have any and all final orders in any and all non-core proceedings entered only after de novo review by

a United States District Court Judge; (f) a waiver of Claimant's right to move to withdraw the reference with respect to the subject matter of this Proof of Claim, any objection thereto, or other proceeding which may be commenced in these cases against or otherwise involving Claimant; or (g) an election of remedies.

All rights, claims, remedies, actions, defenses, setoffs or recoupment to which Claimant is or may be entitled under any agreements, documents, or circumstances, in law, equity, or otherwise, are expressly reserved. Claimant further reserves its right to amend and supplement this Proof of Claim and to assert any additional claims it may have or come to have, or to state a claim for any additional attorneys' fees, expenses, or other amounts it may incur.