

LEVINSON ARTHUR D
Form 4
February 24, 2011

FORM 4

UNITED STATES SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

OMB APPROVAL

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Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940

(Print or Type Responses)

1. Name and Address of Reporting Person *
LEVINSON ARTHUR D

(Last) (First) (Middle)
1 INFINITE LOOP
(Street)
CUPERTINO, CA 95014
(City) (State) (Zip)

2. Issuer Name and Ticker or Trading Symbol
APPLE INC [AAPL]

3. Date of Earliest Transaction
(Month/Day/Year)
02/23/2011

4. If Amendment, Date Original Filed(Month/Day/Year)

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

Director 10% Owner
 Officer (give title below) Other (specify below)

6. Individual or Joint/Group Filing(Check Applicable Line)
 Form filed by One Reporting Person
 Form filed by More than One Reporting Person

Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned

| 1. Title of Security (Instr. 3) | 2. Transaction Date (Month/Day/Year) | 2A. Deemed Execution Date, if any (Month/Day/Year) | 3. Transaction Code (Instr. 8) | 4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5) | 5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of Ownership Indirect Beneficial Ownership (Instr. 4) |
|---------------------------------|--------------------------------------|--|--------------------------------|---|---|--|---|
| | | | | (A) or (D) | Code V Amount (D) Price | | |

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.

SEC 1474 (9-02)

Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

| 1. Title of Derivative Security (Instr. 3) | 2. Conversion or Exercise Price of | 3. Transaction Date (Month/Day/Year) | 3A. Deemed Execution Date, if any (Month/Day/Year) | 4. Transaction Code (Instr. 8) | 5. Number of Derivative Securities | 6. Date Exercisable and Expiration Date (Month/Day/Year) | 7. Title and Amount of Underlying Security (Instr. 3 and 4) |
|--|------------------------------------|--------------------------------------|--|--------------------------------|------------------------------------|--|---|
|--|------------------------------------|--------------------------------------|--|--------------------------------|------------------------------------|--|---|

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| Derivative Security | Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5) | Code | V | (A) | (D) | Date Exercisable | Expiration Date | Title | Amount or Number of Shares |
|------------------------------|--|------------|---|-----|---------------------------|---------------------------|-----------------|-------|----------------------------|
| Restricted Stock Unit (1) | (2) | 02/23/2011 | A | 584 | 02/01/2012 ⁽³⁾ | 02/01/2012 ⁽³⁾ | Common Stock | 584 | |

Reporting Owners

| Reporting Owner Name / Address | Relationships | | | |
|---|---------------|-----------|---------|-------|
| | Director | 10% Owner | Officer | Other |
| LEVINSON ARTHUR D 1 INFINITE LOOP CUPERTINO, CA 95014 | | X | | |

Signatures

/s/ Gene Levoff, Attorney-in-fact for Arthur D. Levinson
 02/24/2011
 **Signature of Reporting Person Date

Explanation of Responses:

- * If the form is filed by more than one reporting person, see Instruction 4(b)(v).
 - ** Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
 - (1) Automatic grants pursuant to the 1997 Director Stock Plan
 - (2) Each restricted stock unit represents the contingent right to receive one share of common stock upon vesting of the unit.
 - (3) 100% of these restricted stock units are scheduled to vest on 02/01/2012, assuming continued service through the applicable vesting date.
- Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, see Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number. in: 0pt 0">

NAME OF REPORTING PERSONS

1

Richard Levy

CHECK THE APPROPRIATE BOX (a)
IF A MEMBER OF A GROUP

2

(b)

SEC USE ONLY

3

SOURCE OF FUNDS

4

OO

CHECK BOX IF DISCLOSURE OF
LEGAL PROCEEDINGS IS
REQUIRED PURSUANT TO ITEMS
2(d) or 2(e)

5

CITIZENSHIP OR PLACE OF
ORGANIZATION

6

USA

SOLE VOTING POWER

7

NUMBER OF 0

SHARES

8 SHARED VOTING POWER

BENEFICIALLY

OWNED BY 18,859,183 (11)
EACH 9 SOLE DISPOSITIVE POWER
REPORTING
PERSON 0
WITH 10 SHARED DISPOSITIVE POWER

11 18,859,183 (11)
AGGREGATE AMOUNT
BENEFICIALLY OWNED BY EACH
REPORTING PERSON

12 18,859,183 (11)
CHECK BOX IF THE AGGREGATE
AMOUNT IN ROW (11) EXCLUDES
CERTAIN SHARES

13 PERCENT OF CLASS
REPRESENTED BY AMOUNT IN
ROW (11)

14 70.3% (12)
TYPE OF REPORTING PERSON

IN

(9) Consists of shares of common stock issuable upon conversion of 1,131,551 shares of the issuer's convertible preferred stock held by VPC SBIC I, LP.

(10) Based on 7,951,176 outstanding shares as of October 28, 2016, as set forth in the issuer's Quarterly Report on Form 10-Q for the quarterly period ended September 30, 2016.

Explanation of Responses:

This Amendment No. 3 (this "Amendment") to Schedule 13D amends the Schedule 13D (as previously amended, the "Schedule 13D") filed by (i) VPC SBIC I, LP (the "SBIC Fund"); (ii) Victory Park Capital Advisors, LLC ("Capital Advisors"); (iii) Jacob Capital, L.L.C., ("Jacob Capital"); (iv) Victory Park Management, LLC ("Victory Park Management") and (v) Richard Levy (collectively, the "Reporting Persons"), with respect to the securities of Katy Industries, Inc. (the "Issuer"), on August 22, 2016, as amended by Amendment No. 1 filed on April 28, 2017 and Amendment No. 2 filed on May 19, 2017.

Capitalized terms used herein but not otherwise defined herein have the meanings ascribed to them in the Schedule 13D.

Item 4. Purpose of Transaction

Item 4 of the Schedule 13D is hereby supplemented and amended by adding the following:

As previously disclosed, on May 14, 2017, the SBIC Fund contributed its rights as a lender under the Second Lien Credit Facility to Jansan Acquisition, LLC ("Jansan") in exchange for common interests in Jansan and, among other things, the right to designate a manager of Jansan. Victory Park Management remained the administrative agent and collateral agent under the Second Lien Credit Facility.

On July 21, 2017, Jansan, the Issuer, Continental Commercial Products, LLC, Fort Wayne Plastics, Inc. and FTW Holdings, Inc. consummated the transactions contemplated by the Purchase Agreement. In accordance with the Purchase Agreement, Jansan acquired the Purchased Assets with a credit bid in the amount of the indebtedness under the Second Lien Credit Facility, including the Term Loans. As a result, the Term Loans were satisfied and, as such, the Reporting Persons no longer beneficially own any of the Common Stock previously issuable upon conversion of the Term Loans.

Item 5. Interest in Securities of the Issuer

Items 5(a), (b) and (c) of the Schedule 13D are hereby amended and restated as follows:

(a), (b) Based on the Issuer's Quarterly Report on Form 10-Q for the quarterly period ended September 30, 2016, there were 7,951,176 shares of Common Stock outstanding as of October 28, 2016. Based on the foregoing, each of the SBIC Fund, the SBIC GP, Capital Advisors, Jacob Capital and Richard Levy may be deemed to beneficially own 18,859,183 shares of Common Stock (consisting of shares issuable upon conversion of Preferred Stock), or 70.3% of the Issuer's Common Stock. Victory Park Management no longer beneficially owns any of the Issuer's Common Stock.

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The SBIC Fund is the record holder of the Preferred Stock. Capital Advisors, as the investment manager of the SBIC Fund, may be deemed to have the shared power to vote or direct the vote of (and the shared power to dispose or direct the disposition of) the Common Stock issuable upon conversion of the Preferred Stock. As the manager of Capital Advisors, Jacob Capital may be deemed to have the shared power to vote or direct the vote of (and the shared power to dispose or direct the disposition of) the Common Stock issuable upon conversion of the Preferred Stock. By virtue of Richard Levy's position as sole member of Jacob Capital, Richard Levy may be deemed to have the shared power to vote or direct the vote of (and the shared power to dispose or direct the disposition of) the Common Stock issuable upon conversion of the Preferred Stock. Therefore, each of the SBIC Fund, Capital Advisors, Jacob Capital and Richard Levy may be deemed to be the beneficial owner of shares of Common Stock reported in this Schedule 13D, as set forth above.

(c) Except for the transactions described above in Item 4, none of the Reporting Persons has effected any transaction in the Common Stock during the past 60 days.

SIGNATURES

After reasonable inquiry and to the best of my knowledge and belief, I certify that the information set forth in this statement is true, complete and correct.

Dated: July 31, 2017

VPC SBIC I, LP

By: VPC SBIC GP, LLC, its General Partner

By: Jacob Capital L.L.C., its manager

By: /s/ Richard Levy

Name: Richard Levy

Its: Sole Member

VPC SBIC GP, LLC

By: Jacob Capital L.L.C., its manager

By: /s/ Richard Levy

Name: Richard Levy

Its: Sole Member

Explanation of Responses:

VICTORY PARK MANAGEMENT, LLC

By: /s/ Scott R. Zemnick

Name: Scott R. Zemnick

Title: Manager

VICTORY PARK CAPITAL ADVISORS, LLC

By: /s/ Scott R. Zemnick

Name: Scott R. Zemnick

Title: General Counsel

JACOB CAPITAL, L.L.C.

By: /s/ Richard Levy

Name: Richard Levy

Title: Sole Member

/s/ Richard Levy

Richard Levy