

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

In re:

COMPLEX BUSINESS LITIGATION  
DIVISION

CRYSTAL CRUISES LLC, a California  
limited liability company,

Case No. 2022-002742-CA-01  
Lead Case

CRYSTAL HOLDINGS U.S., LLC, a  
Delaware limited liability company,

Case No. 2022-002757-CA-01

CRYSTAL AIRCRUISES, LLC, a Florida  
limited liability company, and

Case No. 2022-002758-CA-01

To: Assignors,

(Jointly Administered Cases)

MARK C. HEALY,

Assignee.

**ASSIGNEE'S MOTION TO CONTINUE CONDUCTING THE  
BUSINESS OF THE ASSIGNORS FOR AN ADDITIONAL 90 DAYS**

**NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST A  
HEARING TO CREDITORS AND OTHER INTERESTED PARTIES:**

**PLEASE TAKE NOTICE that, pursuant to s. 727.111(4), Florida Statutes, the Assignee may continue conducting the businesses of the Assignors, and the Court may consider these actions without further notice or hearing unless a party in interest files an objection within 21 days from the date this paper is served. If you object to the relief requested in this paper, you must file your objection with the Miami-Dade County Clerk of the Court at 73 W. Flagler Street, Room 133, Miami, FL 33130, and serve a copy on the Assignee's counsel, Paul Steven Singerman, Esq. and Samuel Jason Capuano, Esq., Berger Singerman LLP, 1450 Brickell Avenue, Suite 1900, Miami, FL 33131, and any other appropriate person.**

**If you file and serve an objection within the time permitted, the Court shall schedule a hearing and notify you of the scheduled hearing. If you do not file an objection within the time permitted, the Assignee and the Court will presume that you do not oppose the granting of the relief requested in the paper.**

Mark C. Healy (the “Assignee”), solely in his capacity as the Assignee for the benefit of creditors of Crystal Cruises LLC (“Crystal Cruises”), Crystal Holdings U.S. LLC (“Crystal Holdings”), and Crystal Aircruises LLC (“Crystal Aircruises”, and, together with Crystal Cruises and Crystal Holdings, collectively, the “Assignors”) and not individually, by and through his undersigned counsel and pursuant to Florida Statutes §§ 727.108(4), 727.109(3), and 727.111(4), files this *Motion to Continue Conducting the Business of the Assignors for an Additional 90 Days* (the “Motion”), and in support thereof, states as follows:

### **BACKGROUND**

1. On February 10, 2022, each of the Assignors executed and delivered, and the Assignee accepted, irrevocable Assignments for the benefit of creditors to the Assignee (collectively, the “Assignments”). On February 11, 2022, a *Petition Commencing Assignment for the Benefit of Creditors* was filed by the Assignee for each of the Assignors, thereby commencing the following assignment for the benefit of creditors cases pursuant to Section 727 of the Florida Statutes, in this Court: *In re Crystal Cruises LLC*, Case No. 2022-002742-CA-01 (the “Crystal Cruises Case”); *In re Crystal Holdings U.S. LLC*, Case No. 2022-002757-CA-01 (the “Crystal Holdings Case”); and *In re Crystal AirCruises LLC*, Case No. 2022-002758-CA-01 (the “Crystal Aircruises Case”, and together with the Crystal Cruises Case and the Crystal Holdings Case, the “Assignment Cases”).

2. Prior to execution of the Assignments, the Assignors were engaged in the travel and entertainment business, including operating ocean, river, and expedition cruises and conducting related activities around the world.

3. The Assignors’ schedules reflect that prior to the Petition Date, the Assignors operated out of 2 leased locations in Florida and California and operated 8 vessels. Located on the

vessels is inventory and other items that the Assignee is in the process of collecting and liquidating for the benefit of creditors of these Assignment Cases. The Assignee does not intend to continue operating cruises. However, the Assignee may be required to engage in ancillary operations in connection with his liquidation efforts and the administration of the Assignment Cases that could be deemed a continuation of the Assignors' business. Accordingly, in an abundance of caution, the Assignee seeks authority to continue the business of the Assignors for an additional 90 days, for the benefit of the estate.

### **ARGUMENT AND REQUESTED RELIEF**

4. Florida Statutes § 727.108 outlines the duties of the Assignee and provides that “[t]he assignee shall ... [c]onduct the business of the assignor for a limited period not to exceed 45 calendar days, if doing so is in the best interest of the estate, or for a longer period if in the best interest of the estate, upon notice and until such time as an objection, if any, is sustained by the court. An assignee’s authorization to conduct the business of the assignor may be extended for a period longer than 45 days upon service of negative notice. If no timely objection is filed with the court, the assignee may continue to operate the assignor’s business for an additional 90 days. The court may extend the 90-day period if it finds an extension to be in the best interest of the estate.” Fla. Stat. § 727.108(4).

5. Similarly, Florida Statutes § 727.109 sets forth the powers of this Court and provides that “[t]he court shall have power to ... [u]pon notice and a hearing, if requested, authorize the business of the assignor to be conducted by the assignee for longer than 45 calendar days, if in the best interest of the estate.” Fla. Stat. § 727.109(3).

6. The Assignee is currently authorized to continue conducting the business of the Assignors through and including March 28, 2022. However, because the Assignee is still working

through the mechanics of collecting the inventory on the vessels and other actions relating to the liquidation of the Assignors' assets, the Assignee requests that the Court authorize him to continue conducting the business of the Assignors for an additional 90 days, through and including June 26, 2022.

7. Unless an objection is filed, the Assignee respectfully requests that this Court enter an order authorizing the relief requested herein. A proposed order granting this Motion is attached hereto as **Exhibit "A."**

**WHEREFORE**, the Assignee respectfully requests the Court enter an Order, in the form attached hereto as Exhibit "A," granting the Motion, authorizing the Assignee to continue conducting the business of the Assignors for an additional 90 days through and including June 26, 2022, and for any further relief the Court deems just and proper.

Dated: March 25, 2022

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was served via the Florida Court's e-Filing Portal on March 25, 2022; on counsel for the Assignors, Adam Losey, Esq., Losey PLLC, 1420 Edgewater Drive, Orlando, FL 32804, via email to [alosey@losey.law](mailto:alosey@losey.law); and via email to [cbl44@jud11.flcourts.org](mailto:cbl44@jud11.flcourts.org) pursuant to CBL Rule 2.2.

By: /s/ Samuel J. Capuano  
Samuel J. Capuano

**EXHIBIT "A"**  
**(Proposed Form of Order)**

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Assignors,  
To:

(Jointly Administered Cases)

MARK C. HEALY,

Assignee.  
\_\_\_\_\_ /

**ORDER GRANTING ASSIGNEE’S MOTION TO CONTINUE CONDUCTING  
THE BUSINESS OF THE ASSIGNORS FOR AN ADDITIONAL 90 DAYS**

**THIS CAUSE** came before the Court without a hearing upon the *Motion to Continue Conducting the Business of the Assignors for an Additional 90 Days* (the “Motion”), filed on negative notice by Mark C. Healy (the “Assignee”), solely as the Assignee for the benefit of creditors of Crystal Cruises LLC (“Crystal Cruises”), Crystal Holdings U.S. LLC (“Crystal Holdings”), and Crystal Aircruises LLC (“Crystal Aircruises”, and, together with Crystal Cruises and Crystal Holdings, collectively, the “Assignors”). The Court, having reviewed the Motion and the record in these proceedings, noting that no objections to the Motion have been filed, finding that notice of the Motion was sufficient, and good cause appearing, it is hereby

**ORDERED AND ADJUDGED** that:

1. The Motion is **GRANTED**.
2. The Assignee is authorized to continue conducting the business of the Assignors for an additional 90 days, through and including June 26, 2022.
3. The Court retains jurisdiction for the purposes of enforcing and interpreting this Order.

**DONE AND ORDERED** in Chambers, at Miami-Dade County, Florida on this \_\_\_\_ day of \_\_\_\_\_, 2022.

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HONORABLE ALAN FINE  
Circuit Court Judge

Copies furnished to:  
Counsel of record