

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

Assignors,
To:

(Jointly Administered Cases)

MARK C. HEALY,

Assignee.

_____ /

**AMENDED MOTION BY ASSIGNEE FOR
ORDER AUTHORIZING REJECTION OF AN UNEXPIRED LEASES¹**

Mark C. Healy (the “Assignee”), solely as the Assignee for the benefit of creditors of Crystal Cruises LLC (“Crystal Cruises” or the “Assignor”) and not individually, by and through his undersigned counsel, hereby moves this Court for entry of an order rejecting two unexpired leases of nonresidential real property pursuant to §§ 727.108(5), 727.109(6), and 727.110(3), *Florida Statutes* (the “Motion”), and in support thereof, states as follows:

1. On February 10, 2022, the Assignor executed and delivered, and the Assignee accepted, an irrevocable Assignment for the benefit of creditors to the Assignee (the “Assignment”). On February 11, 2022, a *Petition Commencing Assignment for the Benefit of*

¹ The Assignee amends this Motion to include a second, newly discovered lease for space that is located on the same floor of the same building as set forth in the lease described in the original Motion.

Creditors was filed by the Assignee for the Assignor, thereby commencing the following assignment for the benefit of creditors case pursuant to Chapter 727 of the Florida Statutes, in this Court: *In re Crystal Cruises LLC*, Case No. 2022-002742-CA-01 (the “Assignment Case”).

2. Prior to the Assignment, Assignor engaged in the business of travel and entertainment business, including operating ocean, river, and expedition cruises and conducting related activities around the world (the “Business”). The Business operated at premises located the fifth floor of the building located at 1501 Biscayne Blvd., Miami FL 33132 (the “Premises”) which was leased to the Assignor by Resorts World Omni, LLC (the “Landlord”) pursuant to that certain Lease Agreement dated December 1, 2015 (the “Suite 500 Lease”), and that certain Lease Agreement dated December 1, 2017 (the “Suite 501 Lease” and referred to together with the Suite 500 Lease, and all amendments to either of them as the “Leases”).

3. The Assignee has conducted business upon a portion of the Premises in connection with the Assignment Case from the date of the Assignment and therefore may incur an administrative expense claim for rent from the Assignment date through the date of an Order granting this Motion, which administrative expense if allowed would prime other claims and reduce the potential distribution available to all other unsecured creditors.

4. The Assignee's address and telephone number are c/o Paul N. Mascia, Esq., Nardella & Nardella, PLLC, 135 W. Central Boulevard, Orlando, Florida 32801 and (407) 966-2680.

5. Pursuant to § 727.108(5), *Florida Statutes*, the Assignee shall “[t]o the extent reasonable in the exercise of the assignee’s business judgment, reject an unexpired lease of nonresidential real property or of personal property under which the assignor is the lessee.”

6. The Assignee has reviewed the unexpired Leases and has determined that the Leases are no longer necessary and should be rejected.

7. Pursuant to § 727.112(6), *Florida Statutes*, the rejection of the Leases may result in an unsecured claim against the estate. Creditors are required to file a proof of claim by delivering the claim to the Assignee within 120 days from the filing date unless for cause shown. *See* § 727.112(2), *Florida Statutes*.

8. Nothing contained herein is intended or should be construed as an admission or waiver as to the enforceability of the Leases or the validity of any claims asserted against the Assignee arising from or related to the Leases. The Assignee expressly reserves its right to dispute any and all claims asserted under or relating to the Leases or this Motion.

9. The rent due under the Leases was not current at the time of the Assignment. The Assignee anticipates that the estate may incur a claim by the Landlord for unpaid rent accruing prior to the Assignment, to the extent that the Landlord filed a proof of claim prior to the claims bar date.

10. The Assignor's tangible personal property remaining on the Premises has been abandoned to the Landlord, as the cost of transporting, storing and liquidating the same is reasonably estimated to exceed its liquidation value.

11. To the extent required, the filing of this Motion shall constitute the Assignee's notice of rejection of each of the Leases pursuant to Florida Statutes § 727.110(3)(a).

WHEREFORE, the Assignee respectfully requests the Court enter an order: (i) authorizing the rejection of the Leases identified herein; and (ii) granting such other and further relief as the Court deems just or proper in the circumstances.

DATED this 17th day of August 2022.

NARDELLA & NARDELLA, PLLC
Co-General Counsel for Assignee
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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 August 17, 2022, and on counsel for the Assignors, Adam Losey, Esq., Losey PLLC, 1420 Edgewater Drive, Orlando, FL 32804, via email to alosey@losey.law; on counsel for the Landlord via email to Kevin Jones, Esq., kevin.jones@rwnewyork.com, Stacey Rowland, Esq., Stacey.rowland@rwnewyork.com, and via U.S. mail to 1501 Biscayne Blvd., Suite 500, Miami, FL 33132 and 110-00 Rockaway Boulevard, Jamaica, NY 11420; and via email to cbl44@jud11.flcourts.org pursuant to CBL Rule 2.2.

By: /s/ Paul N. Mascia
Paul N. Mascia