

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

COMPLEX BUSINESS LITIGATION
DIVISION

In re:

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.

**ASSIGNEE’S MOTION FOR ENTRY OF AN ORDER APPROVING
PROCEDURES FOR OBJECTIONS TO CONSUMER AND EMPLOYEE CLAIMS**

Mark C. Healy (the “Assignee”), solely in his capacity as the Assignee for the benefit of creditors of Crystal Cruises LLC, Crystal Holdings U.S. LLC, and Crystal AirCruises LLC (collectively, the “Assignors”), pursuant to Florida Statutes §§ 727.108(10), 727.109(4) and (15), 727.111(6), and 727.113, moves this Court for entry of an order approving procedures for objections to consumer and employee claims to be filed in these assignment for the benefit of creditor cases, and in support thereof, states as follows:

BACKGROUND

1. On February 10, 2022, 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 (the “Petition Date”), 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 Chapter 727 of the Florida Statutes, in this Court: *In re Crystal Cruises LLC*, Case No. 2022-002742-CA-01, *In re Crystal Holdings U.S. LLC*, Case No. 2022-002757-CA-01, and *In re Crystal Aircruises LLC*, Case No. 2022-002758-CA-01 (collectively, the “Assignment Cases”). On March 3, 2022, the Court entered orders in each of the Assignment Cases consolidating and jointly administering the Assignment Cases for procedural purposes.

2. Prior to the Petition Date, 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. On February 25, 2022, the Assignee filed his *Motion for Entry of an Order: (1) Approving Noticing Procedures, (2) Approving Proof of Claim Forms; and (3) Extending Deadline to Service Notice of Assignment* (the “Notice Procedures Motion”). On March 3, 2022, the Court entered an order granting the Notice Procedures Motion (the “Notice Procedures Order”). Pursuant to the Notice Procedures Order: (i) parties who wished to receive notices in these Assignment Cases contacted the Assignee and were added to the e-mail service list, pursuant to which such parties have received notices in the Assignment Cases; (ii) parties who have filed formal appearances in the Assignment Cases have received notice through the Florida Court’s e-filing portal; and (iii) the Assignee has posted case information, pertinent pleadings, and other filings on the case website, www.crystalcruiseclaims.com.

4. The deadline to file proofs of claim in the Assignment Cases was June 11, 2022.

5. More than 12,400 proofs of claim have been submitted in the Assignment Cases, the majority of which were filed by consumer creditors who booked cruises prior to the Petition Date, in addition to former employees, vendors, and other claimants.

6. The Assignee and his team have undertaken a review of the submitted proofs of claim and are in the process of reconciling such claims with the Assignors' records as well as the records of credit card companies and travel insurance companies. While the review is ongoing, the Assignee estimates that more than 2,000 objections to claims will be filed in the Assignment Cases in connection with consumer and employee claims.

7. Section 727.114 of the Florida Statutes addresses the priority of claims filed in assignment for the benefit of creditors cases. Among the types of claimants entitled to priority are employees (§ 727.114(d)) and consumers (§ 727.114(e)):

Allowed claims shall receive distribution under this chapter in the following order of priority and, with the exception of paragraph (1)(a), on a pro rata basis:

...

(d) Claims for wages, salaries, or commissions, including vacation, severance, and sick leave pay, or contributions to an employee benefit plan earned by employees of the assignor within 180 days before the filing date or the cessation of the assignor's business, whichever occurs first, but only to the extent of \$10,000 per individual employee.

(e) Allowed unsecured claims, to the extent of \$2,225 for each individual, arising from the deposit with the assignor before the filing date of money in connection with the purchase, lease, or rental of property or the purchase of services for personal, family, or household use by such individuals that were not delivered or provided.

Fla. Stat. §§ 727.114(d)-(e).

8. Section 727.113 of the Florida States addresses claims objections in assignment for the benefit of creditors cases. In particular, section 727.113(1) provides:

At any time before the entry of an order approving the assignee's final report, the assignee or any party in interest may file with the court an objection to a claim, which objection must be in writing and set forth the nature of the objection, and shall serve a copy thereof on the creditor at the address provided in the proof of claim, and to the assignee and the assignee's attorney, if any. The objection may be served on negative

notice. All claims properly filed with the assignee and not disallowed by the court constitute all claims entitled to distribution from the estate.

Fla. Stat. § 727.113(1).

9. Through this Motion, the Assignee seeks to establish reasonable and efficient procedures for filing, noticing, and adjudicating objections to consumer and employee claims in the Assignment Cases, given the sizable number of such claims that have been filed. Without the relief sought herein, the Assignee would be required to expend and deplete significant estate resources. Just as it did in the Notice Procedures Order, this Court has the power to modify procedures to carry out the provisions of Chapter 727 for the benefit of the estate's creditors. *See* Fla. Stat. § 727.109(15) (The Court has the power to “[e]xercise any other powers that are necessary to enforce or carry out the provisions of [Chapter 727].”)¹

**PROPOSED PROCEDURES FOR
CONSUMER AND EMPLOYEE CLAIMS OBJECTIONS**

10. The Assignee proposes to serve objections to consumer and employee claims via email. If the Assignee does not have an email address for a claimant whose claim has been objected to, the Assignee will serve such claimant via U.S. Mail. Serving thousands of claims objections by U.S. Mail would be inefficient and tremendously costly for the estate, to the detriment of creditors. Additionally, the Assignee does not possess physical addresses for all claimants. Indeed, for these reasons, the Court authorized email service of notices in the

¹ The entry of orders establishing efficient procedures for claims objections is commonplace in comparably large bankruptcy cases with thousands of claims. *See, e.g., In re LATAM Airlines Group, S.A.*, Case No. 20-11254, Bankr. S.D.N.Y, ECF Nos. 1170 and 3624 (approving claims objection procedures, including omnibus objections with no more than 250 claims per omnibus objection, in case with over 1,000 filed claims); *In re Ditech Holding Corporation*, Case No. 19-10412, Bankr. S.D.N.Y, ECF Nos. 1530 and 1632 (approving claims objection procedures, including omnibus objections with no more than 100 claims per omnibus objection, in case with over 7,000 filed claims); *In re 1 Global Capital LLC*, Case No. 18-19121, Bankr. S.D.FL., ECF Nos. 583 and 640 (approving claims objection procedures, including omnibus objections with no more than 75 claims per omnibus objection, in case with over 3,500 filed claims).

Assignment Cases in the Notice Procedures Order. Accordingly, email service of objections to consumer and employee claims is reasonable and appropriate in this case.

11. Additionally, the filing of thousands of individual claims objections on the docket of the Assignment Cases (and the corresponding email notices that would be sent via the Florida Court's e-filing portal to all parties that have entered appearances in the Assignment Cases) would be costly, inefficient, and unwieldy. Accordingly, the Assignee proposes that he be permitted to file omnibus objections to consumer and employee claims addressing no more than 100 claims per omnibus objection (an "Objection"). A sample form of Objection is attached hereto as **Exhibit B**. Similarly, the Assignee proposes that he be permitted to submit orders on such Objections, as appropriate, addressing no more than 100 claims per order.

12. Attached to each Objection will be an exhibit listing the claims that are subject of the particular Objection. With respect to each claim that is subject of an Objection, the exhibit will include, without limitation:

- a. the claim number pursuant to Assignee's records;
- b. the name of the claimant;
- c. the submitted amount of the claim;
- d. the grounds for the Objection; and
- e. the proposed adjustment to the claim and the proposed allowed claim, if any.

13. If allowed, the first \$10,000 of an employee claim will be deemed a priority claim pursuant to Fla. Stat. § 727.114(d) without further notice, order, or approval of the Court, and the balance of any such claim will be deemed a general unsecured claim pursuant to Fla. Stat. § 727.114(f).

14. If allowed, the first \$2,225 of a consumer claim will be deemed a priority claim pursuant to Fla. Stat. § 727.114(e) without further notice, order, or approval of the Court, and the balance of any such claim will be deemed a general unsecured claim pursuant to Fla. Stat. § 727.114(f).

15. If a claimant disputes the Assignee's Objection to their claim, then within 21 days of service of the Objection, such claimant must contact the Assignee via email at crystalclaimsobj@moecker-crystal.com to attempt to resolve the dispute. If a claimant fails to contact the Assignee within the required time period, the Assignee and the Court will presume that such claimant does not oppose the relief requested in the Objection, and the Assignee may submit an order to the Court sustaining the Objection as it relates to such claimant without any further notice or hearing. Upon entry, the Assignee will serve such order upon the subject claimant via email or, if the Assignee does not have an email address for the subject claimant, via U.S. Mail.

16. If a claimant contacts the Assignee within the required time period, and thereafter, the Assignee determines that the Assignee and the claimant are unable to resolve the dispute, the Assignee may file a Notice of Impasse with the Court identifying the unresolved claim. The Notice of Impasse will be served by the Assignee on the subject claimant via email or, if the Assignee does not have an email address for the subject claimant, via U.S. Mail.

17. Following the filing of a Notice of Impasse by the Assignee, the claimant must file with the Court a written response to the Objection within 21 days (a "Response"). If the claimant fails to file the Response with the Court within the required 21-day period, the Assignee and the Court will presume that such claimant does not oppose the relief requested in the Objection, and the Assignee may submit an order to the Court sustaining the Objection as it

relates to such claimant without any further notice or hearing. Upon entry, the Assignee will serve such order upon the subject claimant via email or, if the Assignee does not have an email address for the subject claimant, via U.S. Mail.

18. A Response must be timely filed with the Court and include:

- a. a statement setting forth the particular Objection and claim(s) to which the Response is directed, including the claim number;
- b. a concise statement setting forth the reasons why the Court should not grant the Objection with respect to such claim, including the factual and legal bases upon which the claimant relies in opposing the Objection;
- c. a copy of any other documentation or other evidence of the claim, to the extent not already included with the claim, upon which the claimant will rely in opposing the Objection, provided that confidential, proprietary, or otherwise protected information should not be publicly filed with the Court, but the existence of such information should be disclosed to counsel for the Assignee; and
- d. the name, address, telephone number, and email address of the responding claimant and/or the name, address, telephone number, and email address of the claimant's attorney or designated representative.

19. If a claimant files a Response within the required time period, the Assignee, in the Assignee's sole discretion, may set the matter for a preliminary non-evidentiary hearing. The Assignee may set multiple claims objections to be heard in a single preliminary non-evidentiary hearing.

20. The Assignee shall be permitted to file a reply to any Response no later than 2 calendar days before the preliminary non-evidentiary hearing with respect to the relevant Objection. No sur-reply shall be permitted absent prior Court approval.

21. If the matter is not resolved at the preliminary non-evidentiary hearing, the Assignee and the claimant shall make a further attempt to resolve the matter. Thereafter, if the

matter remains unresolved, the Assignee, in the Assignee's sole discretion, may set the matter for evidentiary hearing.

22. The Assignee may, in his sole discretion and in accordance with other orders of the Court, settle the validity, priority, amount, nature, or extent of contested claims without any further notice, order, or approval of the Court.

WHEREFORE, the Assignee respectfully requests that this Court enter an order, substantially in the form attached hereto as **Exhibit A**: (i) granting this motion, (ii) approving the claims objection procedures set forth herein, and (iii) granting any other relief as the Court deems just and proper.

Dated: January 31, 2023

BERGER SINGERMAN LLP
Co-Counsel for Assignee
1450 Brickell Avenue, Suite 1900
Miami, FL 33131
Telephone: (305) 755-9500
Facsimile: (305) 714-4340

By: /s/ Samuel J. Capuano
Paul Steven Singerman
Florida Bar No. 378860
singerman@bergersingerman.com
Samuel J. Capuano
Florida Bar No. 90946
scapuano@bergersingerman.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing was served via the Florida Court's e-Filing Portal on January 31, 2023 to all parties that have entered an appearance in this case; on counsel for the Assignors, Adam Losey, Esq., Losey PLLC, 1420 Edgewater Drive, Orlando, FL 32804, via email to alosey@losey.law; via email to cb144@jud11.flcourts.org pursuant to CBL Rule 2.2; and via e-mail to all creditors and interested parties on the e-mail service list pursuant to the Notice Procedures Order.

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

EXHIBIT A

(Proposed form of Order)

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

COMPLEX BUSINESS LITIGATION
DIVISION

In re:

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.

**ORDER GRANTING ASSIGNEE'S MOTION FOR
ENTRY OF AN ORDER APPROVING PROCEDURES
FOR OBJECTIONS TO CONSUMER AND EMPLOYEE CLAIMS**

THIS MATTER came before the Court for hearing on _____, 2023 upon the *Assignee's Motion for Entry of an Order Approving Procedures for Objections to Consumer and Employee Claims* (the "Motion") filed on January 31, 2023 by Mark C. Healy (the "Assignee"), solely in his capacity as the Assignee for the benefit of creditors of Crystal Cruises, LLC, Crystal Holdings U.S., LLC, and Crystal AirCruises, LLC (collectively, the "Assignors"). The Court, having reviewed the Motion and the record in this case, finding that notice of the Motion and the hearing was sufficient, noting that no objection to the Motion was filed by any party, finding that the relief requested in the Motion is in the best interests of the Assignors' estates, and otherwise

finding that good and sufficient cause exists for granting the relief set forth herein, does hereby

ORDER AND ADJUDGE that:

1. The Motion is **GRANTED**.
2. The Assignee is authorized to file omnibus objections to consumer and employee claims addressing no more than 100 claims per omnibus objection, in a form substantially similar to the form Exhibit B attached to the Motion (an “Objection”). The Assignee is authorized to submit orders on such Objections, as appropriate, addressing no more than 100 claims per order.
3. The Assignee is authorized to serve Objections via email. If the Assignee does not have an email address for a claimant whose claim has been objected to, the Assignee is authorized to serve such claimant via U.S. Mail.
4. If a claimant disputes the Objection to their claim, within 21 days of service of the Objection, such claimant must contact the Assignee’s office via email at crystalclaimsobj@moecker-crystal.com to attempt to resolve the dispute. If a claimant fails to contact the Assignee’s office within the required time period, the Assignee and the Court will presume that such claimant does not oppose the relief requested in the Objection, and the Assignee may submit an order to the Court sustaining the Objection as it relates to such claimant without any further notice or hearing. Upon entry, the Assignee is authorized to serve such order upon the subject claimant via email or, if the Assignee does not have an email address for the subject claimant, via U.S. Mail.
5. If a claimant contacts the Assignee within the required time period, and thereafter, the Assignee determines that the Assignee and the claimant are unable to resolve the dispute, the Assignee may file a Notice of Impasse with the Court identifying the unresolved claim. The Notice

of Impasse is authorized to be served by the Assignee on the subject claimant via email or, if the Assignee does not have an email address for the subject claimant, via U.S. Mail.

6. Following the filing of a Notice of Impasse by the Assignee, the claimant must file with the Court a written response to the Objection within 21 days (a “Response”). If the claimant fails to file the Response with the Court within the required 21-day period, the Assignee and the Court will presume that such claimant does not oppose the relief requested in the Objection, and the Assignee may submit an order to the Court sustaining the Objection as it relates to such claimant without any further notice or hearing. Upon entry, the Assignee is authorized to serve such order upon the subject claimant via email or, if the Assignee does not have an email address for the subject claimant, via U.S. Mail.

7. A Response must be timely filed with the Court and include: (a) a statement setting forth the particular Objection and claim(s) to which the Response is directed, including the claim number; (b) a concise statement setting forth the reasons why the Court should not grant the Objection with respect to such claim, including the factual and legal bases upon which the claimant relies in opposing the Objection; (c) a copy of any other documentation or other evidence of the claim, to the extent not already included with the claim, upon which the claimant will rely in opposing the Objection, provided that confidential, proprietary, or otherwise protected information should not be publicly filed with the Court, but the existence of such information should be disclosed to counsel for the Assignee; and (d) the name, address, telephone number, and email address of the responding claimant and/or the name, address, telephone number, and email address of the claimant’s attorney or designated representative.

8. If a claimant files a Response within the required time period, the Assignee, in the Assignee’s sole discretion, may set the matter for a preliminary non-evidentiary hearing. The

Assignee may set multiple claims objections to be heard in a single preliminary non-evidentiary hearing.

9. The Assignee shall be permitted to file a reply to any Response no later than 2 calendar days before the preliminary non-evidentiary hearing with respect to the relevant Objection. No sur-reply shall be permitted absent prior Court approval.

10. If the matter is not resolved at the preliminary non-evidentiary hearing, the Assignee and the claimant shall make a further attempt to resolve the matter. Thereafter, if the matter remains unresolved, the Assignee, in the Assignee's sole discretion, may set the matter for evidentiary hearing.

11. The Assignee may, in his sole discretion and in accordance with other orders of the Court, settle the validity, priority, amount, nature, or extent of contested claims without any further notice, order, or approval of the Court

12. If allowed, the first \$10,000 of an employee claim will be deemed a priority claim pursuant to Fla. Stat. § 727.114(d) without further notice, order, or approval of the Court, and the balance of any such claim will be deemed a general unsecured claim pursuant to Fla. Stat. § 727.114(f).

13. If allowed, the first \$2,225 of a consumer claim will be deemed a priority claim pursuant to Fla. Stat. § 727.114(e) without further notice, order, or approval of the Court, and the balance of any such claim will be deemed a general unsecured claim pursuant to Fla. Stat. § 727.114(f).

14. Nothing in this Order or in the Motion is, or shall be deemed to constitute, any admission as to the validity, priority, amount, nature, or extent of any claim asserted by any claimant, or as a waiver of any right of the Assignee to dispute the validity, priority, amount,

nature, or extent of, or otherwise object to, either in the same or subsequent objections, any such claims.

15. The Assignee is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

16. The terms, conditions, and provisions of this Order shall be immediately effective and enforceable upon entry hereof.

17. The Court shall retain jurisdiction to resolve any dispute arising from or relating to this Order.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida on _____, 2023.

CIRCUIT COURT JUDGE

EXHIBIT B

(Form of Assignee's Claim Objection)

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

COMPLEX BUSINESS LITIGATION
DIVISION

In re:

CRYSTAL CRUISES LLC, a California
limited liability company,

Case No. 2022-002742-CA-01
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CRYSTAL AIRCRUISES, LLC, a Florida
limited liability company, and

Case No. 2022-002758-CA-01

Assignors,
To:

(Jointly Administered Cases)

MARK C. HEALY,

Assignee.

ASSIGNEE'S [FIRST] OMNIBUS OBJECTION TO CLAIMS

THIS IS AN OBJECTION TO YOUR CLAIM. THE ASSIGNEE IS ASKING THE COURT TO MODIFY OR DISALLOW THE CLAIM THAT YOU FILED IN THIS ASSIGNMENT FOR THE BENEFIT OF CREDITORS CASE. CLAIMANTS RECEIVING THIS OBJECTION SHOULD LOCATE THEIR NAMES AND CLAIMS ON EXHIBIT 1 TO THIS OBJECTION.

YOU SHOULD IMMEDIATELY CONTACT THE ASSIGNEE'S OFFICE AT CRYSTALCLAIMSOBJ@MOECKER-CRYSTAL.COM TO RESOLVE THE DISPUTE. IF YOU DO CONTACT THE ASSIGNEE'S OFFICE WITHIN 21 DAYS OF SERVICE OF THIS OBJECTION, THE ASSIGNEE AND THE COURT WILL PRESUME THAT YOU DO NOT OPPOSE THE OBJECTION TO YOUR CLAIM, AND YOUR CLAIM MAY BE DISALLOWED OR MODIFIED WITHOUT FURTHER NOTICE OR A HEARING.

Mark C. Healy (the “Assignee”), solely in his capacity as the Assignee for the benefit of creditors of Crystal Cruises LLC, Crystal Holdings U.S. LLC, and Crystal AirCruises LLC (collectively, the “Assignors”), files this omnibus objection to claims (the “Objection”), and in support thereof, states as follows:

BACKGROUND

1. On February 10, 2022, 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 (the “Petition Date”), 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 Chapter 727 of the Florida Statutes, in this Court: *In re Crystal Cruises LLC*, Case No. 2022-002742-CA-01, *In re Crystal Holdings U.S. LLC*, Case No. 2022-002757-CA-01, and *In re Crystal Aircruises LLC*, Case No. 2022-002758-CA-01 (collectively, the “Assignment Cases”). On March 3, 2022, the Court entered orders in each of the Assignment Cases consolidating and jointly administering the Assignment Cases for procedural purposes.

RELIEF REQUESTED

2. Section 727.108(10) of the Florida Statutes provides that the Assignee shall “[e]xamine the validity and priority of all claims against the estate.” Furthermore, section 727.113(1) of the Florida Statutes provides that the Assignee “may file with the court an objection to a claim ...”

3. Section 727.109(4) of the Florida Statutes provides that the Court shall have the power to “allow or disallow claims against the estate and determine their priority ...”

4. The Assignee has examined the proofs of claim identified on **Exhibit 1**, and any

documentation provided supporting such claims, and has determined that such claims should be modified or disallowed for the reasons set forth on **Exhibit 1**.

5. Accordingly, the Assignee files this Objection seeking to modify or disallow claims as set forth on the attached **Exhibit 1**.

PROCEDURES FOR CONSUMER AND EMPLOYEE CLAIMS OBJECTIONS

6. On _____, 2023, the Court entered an order approving procedures for filing and resolving objections to consumer and employee claims in the Assignment Cases (the “Claims Procedure Order”).

7. Pursuant to the Claims Procedure Order, if a claimant disputes this Objection to their claim, then within 21 days of service of this Objection, such claimant must contact the Assignee via email at crystalclaimsobj@moecker-crystal.com to attempt to resolve the dispute. If a claimant fails to contact the Assignee within the required time period, the Assignee and the Court will presume that such claimant does not oppose the relief requested in this Objection, and the Assignee may submit an order to the Court sustaining this Objection as it relates to such claimant without any further notice or hearing. Upon entry, the Assignee will serve such order upon the subject claimant via email or, if the Assignee does not have an email address for the subject claimant, via U.S. Mail.

8. Pursuant to the Claims Procedure Order, if a claimant contacts the Assignee within the required time period, and thereafter, the Assignee determines that the Assignee and the claimant are unable to resolve the dispute, the Assignee may file a Notice of Impasse with the Court identifying the unresolved claim. The Notice of Impasse will be served by the Assignee on the subject claimant via email or, if the Assignee does not have an email address for the subject claimant, via U.S. Mail.

9. Pursuant to the Claims Procedure Order, following the filing of a Notice of Impasse by the Assignee, the claimant must file with the Court a written response to this Objection within 21 days (a “Response”). If the claimant fails to file the Response with the Court within the required 21-day period, the Assignee and the Court will presume that such claimant does not oppose the relief requested in this Objection, and the Assignee may submit an order to the Court sustaining this Objection as it relates to such claimant without any further notice or hearing. Upon entry, the Assignee will serve such order upon the subject claimant via email or, if the Assignee does not have an email address for the subject claimant, via U.S. Mail.

10. Pursuant to the Claims Procedure Order, a Response must be timely filed with the Court and include:

- a. a statement setting forth the particular Objection (*e.g.*, the Assignee’s *First Omnibus Objection to Claims* or the Assignee’s *Fifth Omnibus Objection to Claims*) and the particular claim(s) to which the Response is directed, including the claim number;
- b. a concise statement setting forth the reasons why the Court should not grant the Objection with respect to such claim, including the factual and legal bases upon which the claimant relies in opposing the Objection;
- c. a copy of any other documentation or other evidence of the claim, to the extent not already included with the claim, upon which the claimant will rely in opposing the Objection, provided that confidential, proprietary, or otherwise protected information should not be publicly filed with the Court, but the existence of such information should be disclosed to counsel for the Assignee; and
- d. the name, address, telephone number, and email address of the responding claimant and/or the name, address, telephone number, and email address of the claimant’s attorney or designated representative

11. If a claimant files a Response within the required time period, the Assignee, in the Assignee’s sole discretion, may set the matter for a preliminary non-evidentiary hearing. The

Assignee may set multiple claims objections to be heard in a single preliminary non-evidentiary hearing.

12. The Assignee shall be permitted to file a reply to any Response no later than 2 calendar days before the preliminary non-evidentiary hearing with respect to the relevant Objection. No sur-reply shall be permitted absent prior Court approval.

13. If the matter is not resolved at the preliminary non-evidentiary hearing, the Assignee and the claimant shall make a further attempt to resolve the matter. Thereafter, if the matter remains unresolved, the Assignee, in the Assignee's sole discretion, may set the matter for evidentiary hearing.

14. The Assignee may, in his sole discretion and in accordance with other orders of the Court, settle the validity, priority, amount, nature, or extent of contested claims without any further notice, order, or approval of the Court

15. Pursuant to the Claims Procedure Order, if allowed, the first \$10,000 of an employee claim will be deemed a priority claim pursuant to Fla. Stat. § 727.114(d) without further notice, order, or approval of the Court, and the balance of any such claim will be deemed a general unsecured claim pursuant to Fla. Stat. § 727.114(f).

16. Pursuant to the Claims Procedure Order, if allowed, the first \$2,225 of a consumer claim will be deemed a priority claim pursuant to Fla. Stat. § 727.114(e) without further notice, order, or approval of the Court, and the balance of any such claim will be deemed a general unsecured claim pursuant to Fla. Stat. § 727.114(f).

17. The Assignee reserves all rights to amend and supplement this Objection and file further objections.

WHEREFORE, the Assignee respectfully requests that the Court enter an order sustaining this Objection, granting the relief requested herein, and granting any other relief the Court deems just and proper.

Dated: _____

BERGER SINGERMAN LLP
Co-Counsel for Assignee
1450 Brickell Avenue, Suite 1900
Miami, FL 33131
Telephone: (305) 755-9500
Facsimile: (305) 714-4340

By: /s/ _____

Paul Steven Singerman
Florida Bar No. 378860
singerman@bergersingerman.com
Samuel J. Capuano
Florida Bar No. 90946
scapuano@bergersingerman.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing was served via the Florida Court's e-Filing Portal on _____ to all parties that have entered an appearance in this case; and via email or U.S. Mail on the claimants listed on the attached **Exhibit 1** pursuant to the Claims Procedures Order.

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

Exhibit 1

Claim Number	Claimant Name	Submitted Claim Amount	Grounds for Objection	Proposed Adjustment to Claim and Proposed Allowed Claim, if any