

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.

**ASSIGNEE'S MOTION FOR AUTHORIZATION TO
DESTROY CERTAIN RECORDS AND PAY RELATED COSTS**

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

PLEASE TAKE NOTICE that, pursuant to Fla. Stat. § 727.111(4), the Assignee may destroy certain records and pay related costs as described herein, 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, 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 Holdings U.S., LLC, and Crystal AirCruises, LLC (collectively, the “Assignors”), by and through his undersigned counsel and pursuant to Florida Statutes §§ 727.102, 727.108(6), 727.109(15), and 727.111(4), and the Court’s *Order Granting Assignee’s Motion for Entry of an Order: (1) Approving Noticing Procedures, (2) Approving Proof of Claim Forms; and (3) Extending Deadline to Serve Notice of Assignment* (the “Notice Procedures Order”) entered on March 3, 2022, files this *Motion for Authorization to Destroy Certain Records and Pay Related Costs* (the “Motion”). In support of the Motion, the Assignee states:

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 Section 727 of the Florida Statutes, in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida: *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”).

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. The Assignors maintained a corporate headquarters at 1175 Wilshire Boulevard, Los Angeles, California, until 2015.

4. Approximately 1,800 boxes of historical records and documents from the period 2001-2015 (the “Records”) are currently being housed in a storage facility located at Williams Data Management, 1925 E. Vernon Avenue, Los Angeles, CA 90058. The Records include, *inter alia*, accounting, financial, and other business records of the Assignors including relating to accounts receivable, accounts payable, vessels, and other documents. An inventory with a general description of the Records is attached hereto as **Exhibit “A”**.

5. A representative of the Assignee conducted an inventory of the Records and, to the best of the Assignee’s information and belief, the Records are more than 8 years old and are not necessary in the Assignee’s administration of the estates.

6. The Assignee has obtained an estimate from Williams Data Management to dispose of and destroy the Records in the approximate amount of \$10,000, or approximately \$5.50 per box. This quote is an estimate and the actual cost could exceed this price should any issues arise with respect to the destruction.

7. The Assignee seeks entry of an Order authorizing the disposal and destruction of the Records, and payment of the associated costs to Williams Data Management. The Assignee believes that the quoted price of approximately \$10,000, or approximately \$5.50 per box, is reasonable. The Assignee submits that destruction of the Records and payment of the costs associated with same is necessary to the proper administration of the Assignors’ estates, appropriate under the circumstances, and in the best interests of the estates.

WHEREFORE, the Assignee respectfully requests the Court enter an Order, in the form attached hereto as **Exhibit “B”**, (i) granting this Motion; (ii) authorizing the Assignee to dispose of and destroy the Records; (iii) authorizing the Assignee to pay the costs associated with the

destruction of the Records; and (iv) granting such other and further relief as the Court deems just and proper.

Dated: April 4, 2023

BERGER SINGERMAN LLP
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By: /s/ Samuel J. Capuano
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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 April 4, 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 cbl44@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
(Inventory of Records)

EXHIBIT A



Crystal Cruises, LLC

1925 East Vernon Avenue, Los Angeles, California 90058

March 29, 2023

Pallet #	Contents	Years	Pallet #	Contents	Years
1	Accounting - AP	2006 - 2014	29	Accounting - GENERAL	2008 - 2012
2	Accounting - AP	2006 - 2010	30	Accounting - SHIP, GENERAL	2006 - 2012
3	Accounting - AP	2007 - 2010	31	Accounting - SHIP, GENERAL	2006 - 2012
4	Accounting - AR	2007 - 2011	32	Accounting - SHIP, REV	2006 - 2011
5	Accounting - AR	2006 - 2011	33	Accounting - SHIP, REV	2007 - 2008
6	Accounting - AR	2005 - 2012	34	Accounting - AP, SHIP, GENERAL, REV	2007 - 2013
7	Accounting - AP	2005 - 2008	35	Accounting - AP, SHIP, GENERAL, REV	2001 - 2009
8	Accounting - AP	2006 - 2011	36	Accounting - AP, SHIP, GENERAL	2004 - 2006
9	Accounting - AR	2007 - 2012	37	Accounting - AP, SHIP	2001 - 2011
10	Accounting - AR	2005 - 2011	38	Accounting - AP, SHIP, REV	2007 - 2011
11	Accounting - AP	2009 - 2014	39	Accounting - AP	2007 - 2013
12	Accounting - AP	2006 - 2014	40	Accounting - AP, REV	2006 - 2010
13	Accounting - SHIP	2011 - 2012	41	Accounting - AP, REV	2006 - 2008
14	Accounting - SHIP	2006 - 2009	42	Accounting - AP	2009 - 2012
15	Accounting - SHIP, GENERAL	2005 - 2010	43	Accounting - AP	2011 - 2014
16	Accounting - SHIP, GENERAL	2006 - 2009	44	Accounting - AP, REV	2006 - 2010
17	Accounting - SHIP, GENERAL	1998 - 2010	45	Accounting - AP	2011 - 2014
18	Accounting - AP, SHIP, GENERAL	2006 - 2012	46	Accounting - AP, REV	2008 - 2010
19	Accounting - SHIP, GENERAL	2006 - 2012	47	Accounting - AP, REV	2005 - 2011
20	Accounting - SHIP, REV	2005 - 2008	48	Accounting - AP	2011 - 2013
21	Accounting - SHIP	2006 - 2012	49	Accounting - AP	2008 - 2010
22	Accounting - SHIP, GENERAL, REV	2007 - 2012	50	Accounting - AP	2007 - 2013
23	Accounting - AP, SHIP, GENERAL	2007 - 2010	51	Accounting - AP, REV	2007 - 2010
24	Accounting - AP, SHIP, GENERAL	2008 - 2013	52	Accounting - AP, REV	2005 - 2011
25	Accounting - AP, SHIP, GENERAL	2006 - 2012	53	Accounting - AP, REV	2007 - 2013
26	Accounting - SHIP, GENERAL, REV	2006 - 2013	54	Accounting - AP, REV	2009 - 2011
27	Accounting - AP, SHIP, GENERAL	2006 - 2015	55	Accounting - AP, REV	2005 - 2011
28	Accounting - SHIP, GENERAL	2005 - 2012			

EXHIBIT B
(Proposed Order)

IN THE CIRCUIT COURT OF THE 11TH
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COMPLEX BUSINESS LITIGATION
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In re:

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Assignors,
To:

(Jointly Administered Cases)

MARK C. HEALY,

Assignee.

**ORDER GRANTING ASSIGNEE’S MOTION FOR AUTHORIZATION TO
DESTROY CERTAIN RECORDS AND PAY RELATED COSTS**

THIS MATTER came before the Court upon the *Assignee’s Motion for Authorization to Destroy Certain Records and Pay Related Costs* (the “Motion”) filed on April 4, 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 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 dispose of and destroy the Records (as defined in the Motion) and pay the cost associated with the disposal and destruction of the Records.

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

4. 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