

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.

**ASSIGNEE'S FIRST OMNIBUS OBJECTION
TO DISPUTED WAGE 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 CLAIM LISTED IN EXHIBIT "A" TO THIS OBJECTION.

YOU SHOULD IMMEDIATELY CONTACT THE ASSIGNEE'S OFFICE AT CRYSTALCLAIMSOBJ@MOECKER-CRYSTAL.COM TO RESOLVE THE DISPUTE. IF YOU DO NOT 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, of Michael Moecker & Associates, Inc. (the "Assignee"), as Assignee for the Benefit of Creditors of Crystal Cruises, LLC (the "Assignor"), by and through his undersigned

counsel, files this First Omnibus Objection to Disputed Wage Claims (the “Objection”) pursuant to §§ 727.109, 727.111, and 727.113, *Florida Statutes*, as to the claims listed in the Objection below, and in support thereof states as follows:

BACKGROUND

1. On February 10, 2022, the Assignor executed an assignment of its assets in favor of the Assignee pursuant to Chapter 727, *Florida Statutes*.

2. On February 11, 2022, the Assignee filed a Petition for Assignment for the Benefit of Creditors on behalf of the Assignor pursuant to Chapter 727, *Florida Statutes*, thereby commencing the following assignment for the benefit of creditors cases 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”).

3. 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

4. Pursuant to § 727.113(3), *Florida Statutes*, “[t]he assignee, as well as any creditor or any party in interest, has standing to challenge the validity, extent, or priority of any claim filed by a creditor.”

5. Section 727.113(1), *Florida Statutes*, further provides “[a]t 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.”

6. The Assignee has received and shall approve dozens of claims made for the payment of wages made by former employees of the Assignor.

7. Notwithstanding, the Assignee hereby objects to the claims (the “Objectionable Wage Claims”) listed in **Exhibit “A”** to this Objection, to the extent set forth therein.

PROCEDURES FOR CONSUMER AND EMPLOYEE CLAIMS OBJECTIONS

8. On February 28, 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”).

9. 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.

10. 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.

11. 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.

12. 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 designed representative.

13. 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.

14. 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.

15. 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.

16. The Assignee may, in his 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.

17. Pursuant to the Claims Procedure Order, if allowed, the first \$10,000.00 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).

18. Pursuant to the Claims Procedure Order, if allowed, the first \$2,225.00 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).

19. The Assignee reserves the right to object to other claims or raise additional objections with respect to the Objectionable Wage Claims.

WHEREFORE, the Assignee respectfully requests this Court enter an Order in substantially the form attached hereto as **Exhibit "B"**: (i) sustaining the Assignee Objections to the Objectionable Wage Claims; (ii) approving the Assignee's proposed disposition of the

Objectionable Wage Claims; and (iii) granting such other and further relief as this Court deems appropriate under the circumstances.

DATED this 14th day of April 2023.

NARDELLA & NARDELLA, PLLC
Co-General Counsel for Assignee
135 W. Central Blvd., Ste. 300
Orlando, FL 32801
(407) 966-2680

By: /s/ Paul N. Mascia

Michael A. Nardella, Esq.

Florida Bar No. 051265

Paul N. Mascia, Esq.

Florida Bar No. 0489670

mnardella@nardellalaw.com

pmascia@nardellalaw.com

kcooper@nardellalaw.com

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 April 14, 2023, which will serve upon all parties and interested persons of record in this action; and via email to the claimants listed on the attached **Exhibit "A"** and pursuant to the Claims Procedure Order.

/s/ Paul N. Mascia

Paul N. Mascia, Esq.

Exhibit A

Objectionable Wage Claims

<u>Claim No.</u>	<u>Claimant</u>	<u>Claim Amount</u>	<u>Basis for Objection and Extent of Objection</u>
2305	Craig, Unalee	\$4,092.29	This claim is filed as a priority wage claim under §727.114(1)(d), <i>Florida Statutes</i> . However, the claimant has failed to provide sufficient support for the basis of this claim. The Assignor's records reflect that the claimant is owed only the amount of \$42.91. Therefore, the Assignee objects to this claim for any amount claimed in excess of allowable wages in the amount of \$42.91, with the same to be treated as a priority wage claim.
2315	Donovan, Lisa	\$10,571.00	This claim is filed as a priority wage claim under §727.114(1)(d), <i>Florida Statutes</i> . However, the claimant has failed to provide sufficient support for the basis of this claim. The Assignor's records reflect that the claimant is owed only the amount of \$4,799.48. Therefore, the Assignee objects to this claim for any amount claimed in excess of an allowable claim in the amount of \$4,799.48, with the same to be treated as a priority wage claim.
2357	Hayner, Jeffrey	\$6,478.33	This claim is filed as a priority wage claim under §727.114(1)(d), <i>Florida Statutes</i> . The Assignee objects to the claim to the extent that it seeks overtime, penalties and interest, as the claimant was an exempt employee of the Assignor who received a salary and is therefore not entitled to such amounts. The Assignor's records reflect that the claimant is owed only the amount of \$2,540.42. The Assignee objects to this claim for any amount claimed in excess of the amount of \$2,540.42, with the same to be treated as a priority wage claim.

2379	Leybold, Bernhard	\$36,635.98	This claim is filed as a priority wage claim under §727.114(1)(d), Florida Statutes. The claimant filed two proofs of claim both of which are claims for an identical amount of \$36,635.98. However, the Assignor's records reflect that the claimant is owed only the amount of \$26,077.82. Additionally, the claim exceeds the \$10,000.00 limit for priority wage claims under §727.114(1)(d), <i>Florida Statutes</i> . Therefore, the Assignee objects to this claim in excess of allowable wages in the aggregate amount of \$10,000 for a priority wage claim, with the remaining amount of \$16,077.82 to be treated as a general unsecured claim.
2426	Preble, Marvin C.	\$28,131.88	This claim is filed as a priority wage claim under §727.114(1)(d), <i>Florida Statutes</i> . However, this claim exceeds the \$10,000.00 limit for priority wage claims under §727.114(1)(d), <i>Florida Statutes</i> . Additionally, the claimant has failed to provide sufficient support for the basis of this claim. The Assignor's records reflect that the claimant is owed only the total amount of \$12,078.68. Therefore, the Assignee objects to this claim for any amount claimed in excess of \$10,000.00 for a priority wage claim, with the amount of \$2,078.68 to be treated as a general unsecured claim.
2439	Rodriguez, Gustavo A.	\$50,990.97	This claim is filed as a priority wage claim under §727.114(1)(d), <i>Florida Statutes</i> . However, the claim is (i) based upon an unsubstantiated alleged promotion and salary, (ii) based on an improper seven (7) day, rather than five (5) day work-week calculation. The Assignor's records reflect that the claimant is owed only the total amount of \$4,430.25. The Assignee objects to this claim for any amount claimed in excess of allowable wages in the amount of \$4,430.25, with the same to be treated as a priority wage claim.
2478	Ziskind, Richard N.	\$52,507.00	This claim is filed as a priority wage claim under §727.114(1)(d), <i>Florida Statutes</i> . However, the Assignor's records reflect that the claimant is owed only the total amount of \$9,958.11. Therefore, the Assignee objects to this claim for any amount claimed in excess of an allowable wage claim in the aggregate amount of

			\$9,958.11, with the same to be treated as a priority wage claim.
2517	Meyer, Juliana Teixeira	\$13,408.18	This claim is filed as a priority wage claim under §727.114(1)(d), <i>Florida Statutes</i> . This claim exceeds the \$10,000.00 limit for priority wage claims under §727.114(1)(d), <i>Florida Statutes</i> . Additionally, the Assignor's records reflect that the claimant is owed only the amount of \$11,754.74. Therefore, the Assignee objects to this claim for any amount claimed in excess of an allowable claim in the aggregate amount of \$10,000.00 for a priority wage claim, with the amount of \$1,754.74 to be treated as a general unsecured claim.
2519	Smith, Terry	\$170,000.00	This claim is filed as a priority wage claim under §727.114(1)(d), <i>Florida Statutes</i> . However, the claim is based on an alleged severance but the claimant has not provided evidence of said agreement. The Assignee therefore objects to this claim in its entirety. Assignee preserves all right to object further to this claim in the event that a severance agreement is provided to the Assignee.
2580	Muhlberger, Karl	\$129,245.25	This claim is filed as a priority wage claim under §727.114(1)(d), <i>Florida Statutes</i> . However, the claim is based on a severance agreement entered into more than 180 days before filing of the Assignment Cases and the claim exceeds the \$10,000.00 limit for priority wage claims under §727.114(1)(d), <i>Florida Statutes</i> . Based on claimant's proof of claim, a portion of the claimant's severance pay, exceeding \$10,000.00 was earned within the 180 days prior to the filing of the Assignment Cases and is therefore entitled to priority with the remaining portion of the claim to be treated as a general unsecured claim. Therefore, the Assignee objects to the treatment of this claim as a priority claim under §727.114(1)(d), <i>Florida Statutes</i> except the amount of \$10,000.00, with the same to be treated as a priority severance claim. The excess of \$119,245.25 is to be treated as a general unsecured claim under §727.114(1)(f), <i>Florida Statutes</i> .
2727	Kochen,	\$90,517.31	

	Suzanne		This claim is filed as a priority wage claim under §727.114(1)(d), <i>Florida Statutes</i> . The Assignor's records reflect that the claimant is owed nothing. Therefore, the Assignee objects to this claim in its entirety.
2791	Leybold, Bernhard	\$36,635.98	This claim is a duplicate of claim 2379 which is treated and objected to above. Except to the extent that the claimant's claim is treated above, the Assignee objects to this claim in its entirety.
2817	Pasztor, Zoltan	\$25,032.96	This claim is filed as a priority wage claim under §727.114(1)(d), <i>Florida Statutes</i> . However, the claimant has failed to provide support for the basis of this claim and, upon information and belief, was not an employee of Assignor. Therefore, the Assignee objects to this claim in its entirety.
2836	Bozsik, Csilla	\$19,354.90	This claim is filed as a priority wage claim under §727.114(1)(d), <i>Florida Statutes</i> . However, the claimant has failed to provide support for the basis of this claim and, upon information and belief, was not an employee of Assignor. The Assignee therefore objects to this claim in its entirety.
2905	Aurelian Valentin, Prica	\$7,447.50	This claim is filed as a priority wage claim under §727.114(1)(d), <i>Florida Statutes</i> . However, the claimant has failed to provide support for the basis of this claim and, upon information and belief, was not an employee of Assignor. The Assignee therefore objects to this claim in its entirety.

Exhibit B

Proposed Order

IN THE CIRCUIT COURT IN AND FOR
THE FIFTEENTH JUDICIAL CIRCUIT IN
AND FOR
PALM BEACH COUNTY, FLORIDA

Assignment for the Benefit of Creditors 2018-CA-10254
PSM HOLDINGS, INC.

Assignment for the Benefit of Creditors 2018-CA-10256
PRIME SOURCE MORTGAGE, INC.

Assignment for the Benefit of Creditors 2018-CA-10266
WWYH, INC.

Assignors,

Jointly Administered Under
Case No. 2018-CA-10254

vs.

MARK C. HEALY,

Assignee.

_____ /

ORDER GRANTING ASSIGNEE’S SECOND OMNIBUS OBJECTION TO CLAIMS

THIS CAUSE came before this Court for hearing on ___ __, 2023 at _:___ a.m/p.m.. to consider the *Assignee’s First Omnibus Objection to Disputed Wage Claims* (the "Objection") and the attachments thereto filed by Mark C. Healy, as Assignee for the benefit of creditors ("Assignee") of Crystal Cruises, LLC, Crystal Holdings U.S., LLC, and Crystal Aircruises, LLC (collectively, the “Assignors”), seeking approval of an objection to the claims identified in the Objection. Having considered the entire record in this case, including, among other things, the lack of responses, noting that due and adequate notice has been given to all parties-in-interest and no further or other notice is required, noting that no response has been filed to the Objection,

after due deliberation and sufficient cause appearing for same, this Court finds it appropriate to approve the Objection and relief requested therein. Accordingly, it is

ORDERED AND ADJUDGED as follows:

1. The Objection is GRANTED for all of the reasons stated in the Objection.

2. The claims are disposed of as follows:

Claim Number	Claimant	Treatment of Claim
2305	Craig, Unalee	The claim is reduced to \$42.91 and is classified as a priority wage claim.
2315	Donovan, Lisa	The claim is reduced to \$4,799.48 and is classified as a priority wage claim.
2357	Hayner, Jeffrey	The claim is reduced to \$2,540.42 and is classified as a priority wage claim.
2379	Leypold, Bernhard	The claim is reduced to \$11,754.74 with the amounts of \$10,000.00 classified as a priority wage claim and \$16,077.82 classified as a general unsecured claim.
2426	Preble, Marvin C.	The claim is reduced to \$12,078.68 with the amounts of \$10,000.00 classified as a priority wage claim and \$2,078.68 classified as a general unsecured claim.
2439	Rodriguez, Gustavo A.	The claim is reduced to \$4,430.25 and is classified as a priority wage claim.
2478	Ziskind, Richard N.	The claim is reduced to \$9,958.11 and is classified as a priority wage claim.
2517	Meyer, Juliana Teixeira	The claim is reduced to \$11,754.74 with the amounts of \$10,000.00 classified as a priority wage claim and \$1,754.74 classified as a general unsecured claim.
2519	Smith, Terry	The claim is denied in its entirety.
2580	Muhlberger, Karl	The claim is classified as priority wage claim in the amount of \$10,000.00 and a general unsecured claim in the amount of \$119,245.25.
2727	Kochen, Suzanne	The claim is denied in its entirety.
2791	Leypold, Bernhard	As a duplicate of claim 2379, the claim is denied in its entirety.
2817	Pasztor, Zoltan	The claim is denied in its entirety.
2836	Bozsik, Csilla	The claim is denied in its entirety.
2905	Aurelian Valentin, Prica	The claim is denied in its entirety.

DONE and ORDERED in chambers in West Palm Beach, Palm Beach County, Florida on this
____ day of _____, 2023.

HONORABLE LISA WALSH
Circuit Court Judge

Copies furnished to: