

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 SECOND 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 Second 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 “Petition Date”), 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's 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 6th day of June 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.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the *Assignee's Second Omnibus Objection to Dispute Wage Claims* was served on June 6, 2023(1) via the Florida Court's e-Filing Portal, which served the Objection upon all parties and interested persons of record in this action; and (2) via e-service to the claimants listed on the attached **Exhibit "A"** and pursuant to the Claims Procedure Order as follows: Dale Nicholson at nicholson.dale@gmail.com; Dorian Agolli at agollid@gmail.com; Jack D. Anderson at jackdanderson1@gmail.com; Ricardo Celorio at rjcelorio@yahoo.com; Franklin Cox at kccredentials@aol.com; Henry De Los Reyes at henrydelosreyes87@yahoo.com; Johnny H. Diep at johnnyhdiep@yahoo.com; Claudius Docekal at claudius.docekal@gmail.com; Bertha Gomez Espinosa at berthagespinosa@yahoo.com; Nicolet Handros at nicolette.handros@gmail.com; Jessica S. Hoppe at hoppe.jessica@gmail.com; Susanna Kener at sumake99@gmail.com; Hans M. Lind at

hasse14kalmar@hotmail.com; Ingrid A. Lopez at inlopez31@gmail.com; Christy E. Pallas at christy.fabiano@gmail.com; Ana Penton at anapenton09@hotmail.com; and, Peter Nowicki at peternowicki@ymail.com.

/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>
2083	Nicholson, Dale	\$15,000.00	The claimant alleges that he is a wage claimant. However, based upon documentation provided by the claimant, the claimant's relationship with the Assignor was not that of an employee. As such, this claim is not entitled to treatment as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). Assignee proposes that this claim be reclassified, in its entirety, as a general unsecured claim pursuant to § 727.114(1)(f), Fla. Stat. (2022) rather than as a priority wage claim.
2271	Agolli, Dorian	\$11,422.24	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, this claim exceeds the \$10,000.00 limit for priority wage claims. <i>Id.</i> Therefore, the Assignee objects to this claim for any amount claimed in excess of \$10,000.00 for a priority wage claim, with the remaining amount of \$1,422.24 to be treated as a general unsecured claim pursuant to § 727.114(1)(f), Fla. Stat. (2022).
2275	Anderson, Jack	\$40,320.00	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, this claim exceeds the \$10,000.00 limit for priority wage claims under § 727.114(1)(d), Fla. Stat. (2022). Therefore, the Assignee objects to this claim for any amount claimed in excess of \$10,000.00 for a priority wage claim, with the remaining amount of \$30,320.00 to be treated as a general unsecured claim pursuant to § 727.114(1)(f), Fla. Stat. (2022).
2300	Celorio, Ricardo	\$24,981.35	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, this claim exceeds the \$10,000.00 limit for priority wage claims under § 727.114(1)(d), Fla. Stat. (2022). Therefore, the

			Assignee objects to this claim for any amount claimed in excess of \$10,000.00 for a priority wage claim, with the remaining amount of \$14,981.35 to be treated as a general unsecured claim pursuant to § 727.114(1)(f), Fla. Stat. (2022).
2304	Cox, Franklin	\$11,347.98	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, this claim exceeds the \$10,000.00 limit for priority wage claims. <i>Id.</i> Therefore, the Assignee objects to this claim for any amount claimed in excess of \$10,000.00 for a priority wage claim, with the remaining amount of \$1,347.98 to be treated as a general unsecured claim pursuant to § 727.114(1)(f), Fla. Stat. (2022).
2310	De Los Reyes, Henry	\$18,001.57	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, this claim exceeds the \$10,000.00 limit for priority wage claims. <i>Id.</i> Therefore, the Assignee objects to this claim for any amount claimed in excess of \$10,000.00 for a priority wage claim, with the remaining amount of \$8,001.57 to be treated as a general unsecured claim pursuant to § 727.114(1)(f), Fla. Stat. (2022).
2313	Diep, Johnny H.	\$12,578.52	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, this claim exceeds the \$10,000.00 limit for priority wage claims. <i>Id.</i> Therefore, the Assignee objects to this claim for any amount claimed in excess of \$10,000.00 for a priority wage claim, with the remaining amount of \$2,578.52 to be treated as a general unsecured claim pursuant to § 727.114(1)(f), Fla. Stat. (2022).
2314	Docekal, Claudius	\$12,381.71	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, this claim exceeds the \$10,000.00 limit for priority wage claims. <i>Id.</i> Therefore, the Assignee objects to this claim for any amount claimed in excess of \$10,000.00 for a priority wage claim, with the remaining amount of \$2,381.71 to be treated as a general unsecured claim pursuant to § 727.114(1)(f), Fla. Stat. (2022).

2321	Espinosa, Bertha Gomez	\$3,453.92	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, the claimant has failed to provide necessary documentation supporting her claim, including an employment agreement. Therefore, the Assignee objects to this claim in its entirety.
2352	Handros, Nicolet	\$630.00	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, the claimant failed to provide documentation supporting this claim, including an employment agreement. Therefore, the Assignee objects to this claim in its entirety.
2365	Hoppe, Jessica S.	\$36,098.22	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, this claim exceeds the \$10,000.00 limit for priority wage claims. <i>Id.</i> Therefore, the Assignee objects to this claim for any amount claimed in excess of \$10,000.00 for a priority wage claim, with the remaining amount of \$26,098.22 to be treated as a general unsecured claim pursuant to § 727.114(1)(f), Fla. Stat. (2022).
2373	Kener, Susanna	\$27,460.29	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, this claim exceeds the \$10,000.00 limit for priority wage claims. <i>Id.</i> Therefore, the Assignee objects to this claim for any amount claimed in excess of \$10,000.00 for a priority wage claim, with the remaining amount of \$17,460.29 to be treated as a general unsecured claim pursuant to § 727.114(1)(f), Fla. Stat. (2022).
2380	Lind, Hans M.	\$12,838.42	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, this claim exceeds the \$10,000.00 limit for priority wage claims. <i>Id.</i> Therefore, the Assignee objects to this claim for any amount claimed in excess of \$10,000.00 for a priority wage claim, with the remaining amount of \$2,838.42 to be treated as a general unsecured claim pursuant to § 727.114(1)(f), Fla. Stat. (2022).

2383	Lopez, Ingrid A.	11,422.24	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, the Assignee's records show that the claimant is owed \$1,112.87. Therefore, this claim should be reduced to a priority wage claim in the amount of \$1,112.87.
2418	Pallas, Christy E.	\$11,560.75	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, this claim exceeds the \$10,000.00 limit for priority wage claims. <i>Id.</i> Therefore, the Assignee objects to this claim for any amount claimed in excess of \$10,000.00 for a priority wage claim, with the remaining amount of \$1,560.75 to be treated as a general unsecured claim pursuant to § 727.114(1)(f), Fla. Stat. (2022).
2420	Penton, Ana	\$10,046.84	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, this claim exceeds the \$10,000.00 limit for priority wage claims under § 727.114(1)(d), Fla. Stat. (2022). Therefore, the Assignee objects to this claim for any amount claimed in excess of \$10,000.00 for a priority wage claim, with the remaining amount of \$46.84 to be treated as a general unsecured claim pursuant to § 727.114(1)(f), Fla. Stat. (2022).
2518	Nowicki, Peter	\$11,305.46	This claim is filed as a priority wage claim under § 727.114(1)(d), Fla. Stat. (2022). However, this claim exceeds the \$10,000.00 limit for priority wage claims. <i>Id.</i> Therefore, the Assignee objects to this claim for any amount claimed in excess of \$10,000.00 for a priority wage claim, with the remaining amount of \$1,305.46 to be treated as a general unsecured claim pursuant to § 727.114(1)(f), Fla. Stat. (2022).

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 the Court upon the *Assignee’s Second Omnibus Objection to Disputed Wage Claims* filing on ____ ____, 2023 (the "Objection") by Mark C. Healy (the “Assignee”), solely in his capacity as the Assignee for the benefit of creditors of Crystal Cruises LLC (the “Assignor”), as an Objection to the Proofs of Wage Claims (the “Claims”) submitted to the Assignee by Dale Nicholson, Dorian Agolli, Jack D. Anderson, Ricardo Celorio, Franklin Cox, Henry De Los Reyes, Johnny H. Diep, Claudius Docekal, Bertha Gomez Espinosa, Nicolet Handros, Jessica S. Hoppe, Susanna Kener, Hans M. Lind, Ingrid A. Lopez, Christy E. Pallas, Ana Penton, and Peter Nowicki (the “Claimants”). The Court, having reviewed the Objection and record in this case, finding that notice of the Objection was sufficient and properly served on

the Claimants and to interested parties pursuant to §§ 727.103, 727.111(4) and 727.113, Fla. Stat. (2022), noting that no response to the Objection from the Claimants was received by the Assignee or filed within the 21-day negative notice period set forth in the Objection, finding that the relief requested in the Objection is in the best interest of the Assignor’s estate, and otherwise finding that good and sufficient cause exists for granting the relief set forth herein, does hereby

ORDER AND ADJUDGE that:

1. The assignee’s Objection is SUSTAINED as to the Claims of the Claimants whose claims are attached as Exhibit “A” to the Objection and otherwise set forth in the Objection.
2. Each of the Claimant’s Claims attached as Exhibit “A” to the Objection and otherwise set forth in the Objection shall be allowed in the amount, if any, set forth below next to the Claimant’s name, with the statutory priority as to payment pursuant to Chapter 727, Fla. Stat. (2022), indicated for the same:

Claim Number	Claimant	Treatment of Claim
2083	Nicholson, Dale	The claim is classified as a general unsecured claim in the amount of \$15,000.00.
2271	Agolli, Dorian	The claim is classified as priority wage claim in the amount of \$10,000.00 and a general unsecured claim in the amount of \$1,422.24.
2275	Anderson, Jack D.	The claim is classified as priority wage claim in the amount of \$10,000.00 and a general unsecured claim in the amount of \$30,320.00.
2300	Celorio, Ricardo	The claim is classified as priority wage claim in the amount of \$10,000.00 and a general unsecured claim in the amount of \$14,981.35.
2304	Cox, Franklin	The claim is classified as priority wage claim in the amount of \$10,000.00 and a general unsecured claim in the amount of \$1,347.98.
2310	De Los Reyes, Henry	The claim is classified as priority wage claim in the amount of \$10,000.00 and a general unsecured claim in the amount of \$8,001.57.

2313	Diep, Johnny H.	The claim is classified as priority wage claim in the amount of \$10,000.00 and a general unsecured claim in the amount of \$2,578.52.
2314	Docekal, Claudius	The claim is classified as priority wage claim in the amount of \$10,000.00 and a general unsecured claim in the amount of \$2,381.71.
2321	Espinosa, Bertha Gomez	The claim is denied in its entirety.
2352	Handros, Nicolet	The claim is denied in its entirety.
2365	Hoppe, Jessica S.	The claim is classified as priority wage claim in the amount of \$10,000.00 and a general unsecured claim in the amount of \$26,098.22.
2373	Kener, Susanna	The claim is classified as priority wage claim in the amount of \$10,000.00 and a general unsecured claim in the amount of \$17,460.29.
2380	Lind, Hans M.	The claim is classified as priority wage claim in the amount of \$10,000.00 and a general unsecured claim in the amount of \$2,838.42.
2383	Lopez, Ingrid A.	The claim is reduced to a priority wage claim in the amount of \$1,112.87.
2418	Pallas, Christy E.	The claim is classified as priority wage claim in the amount of \$10,000.00 and a general unsecured claim in the amount of \$1,560.75.
2420	Penton, Ana	The claim is classified as priority wage claim in the amount of \$10,000.00 and a general unsecured claim in the amount of \$46.84.
2518	Nowicki, Peter	The claim is classified as priority wage claim in the amount of \$10,000.00 and a general unsecured claim in the amount of \$1,305.46.

3. The Assignee is authorized to take all actions necessary or appropriate to give effect to this Order.
4. The Terms, conditions, and provisions of this Order shall be immediately effective and enforceable upon entry hereof.
5. 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 this ____ day of _____, 2023.

Hon. Lisa Walsh

CIRCUIT COURT JUDGE

Electronically Served:

Physically Served: