

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 OBJECTION TO CLAIM OF BITACORA ENTERPRISES, S.A.**

**NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST FOR HEARING**

**PLEASE TAKE NOTICE** that, Pursuant to section 727.111(4), Florida Statutes, the assignee may disallow improper claims of creditors, 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 Clerk of the Court of Miami-Dade County at 73 W. Flagler Street, Room 133, Miami, FL 33130, and serve a copy on the assignee's attorney, Paul N. Mascia, Esq., Nardella & Nardella, PLLC, 135 W. Central Blvd., Ste. 300, Orlando, FL 32801, 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.**

COMES NOW Mark C. Healy, Assignee in the above-captioned Assignment proceeding (the “Assignee”), pursuant to Section 727.113 and 727.109(4), files this Objection to Claim of Bitacora Enterprises, S.A. (“Bitacora”), and asserts as follows:

**BACKGROUND**

1. On February 10, 2022, the Crystal Cruises, LLC (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 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”).

3. 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.

4. Pursuant to § 727.112, *Florida Statutes*, all proofs of claims shall be filed by delivering the claims to the Assignee within 120 days from the filing of the Assignment.

5. In this case, all claims were due by June 11, 2022 (the “Bar Date”).

6. Bitacora delivered its claim of \$200,971 to the assignee on June 1, 2022 (the “Bitacora Claim”), a true and correct copy of which Claim, along with the proffered supporting documents, are collectively attached hereto as **Exhibit “A”**.

7. At any time before the entry of an order approving the Assignee's final report, the Assignee may file its objection to the Claim. *See* §727.113(1), *Florida Statutes*. The Assignee's final report has not yet been filed in this case and his objection to the Claim is therefore timely made.

8. This Honorable Court has the power to allow or disallow claims against the estate and determine their priority. *See* § 727.109(4), *Florida Statutes*.

### **OBJECTION TO CLAIM**

9. Upon information and belief, Bitacora is a travel agency that manages and books cruises and other travel related arrangements for its clients. Bitacora's Claim is based on a booking it allegedly made on behalf of its client Giana McCarty Doral. *See* the Single Customer Credit Transfer sheet included as the supporting document to the Claim attached hereto as **Exhibit A**.

10. On April 1, 2022 however, Doral submitted her own consumer claim (consumer claim number C1372) to the Assignee for \$200,971 (the "Doral Claim"). A true and correct copy of the Doral Claim is attached hereto as **Exhibit B**.

11. It is evident that the Bitcora Claim is duplicative of the Doral Claim. Not only was the Bitcora Claim filed after the Doral Claim, both claims are for for the exact same amount (\$200,971), and both claims provide for their supporting document the same Single Customer Credit Transfer sheet showing payment to Crytal.

12. Based on the evidence provided to Assignor, it is apparent that Doral is the party to whom payment is due and as such Assignee has made no objection to the Doral Claim. However, Assignee does object to the Bitacora Claim as Bitacora is not the entity to which repayment is due and proper.

WHEREFORE, the Assignee respectfully requests the Court enter an order sustaining his Objection to Bitacora's Claim and denying the Claim in its entirety.

DATED this **8 day of January 2024**.

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

By: /s/ Danielle N. Waters

Michael A. Nardella, Esq.

Florida Bar No. 051265

Paul N. Mascia, Esq.

Florida Bar No. 0489670

Danielle N. Waters, Esq.

Florida Bar No. 0029364

[mnardella@nardellalaw.com](mailto:mnardella@nardellalaw.com)

[pmascia@nardellalaw.com](mailto:pmascia@nardellalaw.com)

[dwaters@nardellalaw.com](mailto:dwaters@nardellalaw.com)

[kcooper@nardellalaw.com](mailto: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 January 8, 2024, which will serve upon all parties and interested persons of record in this action; on claimant Bitacora Enterprises, S.A. via email at [marisol.gonzalez@terranova.co.cr](mailto:marisol.gonzalez@terranova.co.cr) and U.S. mail to Centro Comercial Country Plaza Local 27 Escazu San Rafael Centro; and via email to [cbl44@jud11.flcourts.org](mailto:cbl44@jud11.flcourts.org) pursuant to CBL Rule 2.2.

By: /s/ Danielle N. Waters

Danielle N. Waters

# **EXHIBIT “A”**

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

In Re:

CRYSTAL CRUISES, LLC  
a California Limited Liability company.

Assignor,

Case No.: 2022-002742 CA 01

To:

MARK C. HEALY,

Assignee,

101

RECEIVED  
JUN 31 2022

**PROOF OF CLAIM**

TO RECEIVE ANY DIVIDEND IN THIS PROCEEDING, YOU MUST COMPLETE THIS PROOF OF CLAIM AND DELIVER IT TO THE ASSIGNEE NO LATER THAN:

**JUNE 11, 2022**

THE ASSIGNEE'S NAME AND ADDRESS ARE AS FOLLOWS:

Mark C. Healy, Assignee  
MICHAEL MOECKER & ASSOCIATES, INC.  
1885 Marina Mile Blvd., Suite 106  
Fort Lauderdale, FL 33315  
(954) 252-1560 • (954) 252-2791 Fax No.  
Info@Moecker.com

1. CREDITOR NAME (Your name):  
ADDRESS:

TELEPHONE NUMBER:  
E-MAIL ADDRESS:

Bitcord Enterprises S.A.  
Centro Comercial Country Plaza local 27  
Escazú San Rafael Centro  
(506) 4032-4200 / (506) 8373-2482  
marisol.gonzalez@tendrada.co.cr  
*Please be sure to notify us if you have a change of address.*

2. BASIS FOR CLAIM:

Goods Sold  
 Services Performed  
 Money Loaned

Wages, Salaries and Compensations  
 Taxes  
 Shareholder

Secured Creditor

Other: Itinerary Cancellation by Crystal Cruises

3. DATE DEBT WAS INCURRED:

December 2nd 2021

4. AMOUNT OF CLAIM:

\$ 200,971

5. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase order, invoices, itemized statement of running accounts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.

6. SIGNATURE: Sign and print name and title, if any, of the creditor or other person authorized to file this claim:

DATED: May 31<sup>st</sup>, 2022

BY:

Marisol Gonzalez  
Signature of Claimant or Representative

Print Name and Title Here

Message E103211202AB8A5L Company PKB Nature SWF Type 103  
MUR E103211202AB8A5L Unit APSYS-TRANSFER Prio N  
UETR 4056c080-911b-4663-809f-0c733a787d0e  
Created 2021/12/02 17:25:04  
Memo MESSAGE AUTHENTICATED / RMA CHECKED

Msg state MESSAGE AWAITING ARCHIVING

From PKBSCH2269A To BKTRUS33XXX  
PKB PRIVATBANK AG DEUTSCHE BANK TRUST COMPANY  
LUGANO BRANCH AMERICA  
LUGANO S  
SWITZERLAND NEW YORK,NY  
UNITED STATES

### MT103 - Single\_Customer\_Credit\_Transfer\_103

**(20 ) Sender's Reference**

448813MDC160710

**(23B) Bank Operation Code**

CRED - No SWIFT Service Level involved

**(32A) Value Date Currency Interbank Settled Amount**

Date 02.Dec, 21  
Amount USD 200,971.00

**(33B) Currency Instructed Amount**

USD 200,971.00

**(50K) Ordering Customer**

Account CH8308663610042680000  
Name Address GIANA MCCARTY DORAL  
CONDO. CIERRA DE MALLORCA 8 SUR 700  
SUR DE LA PACO CARRETERA  
CR/ESCAZU

**(53B) Sender's Correspondent**

04441313

**(57D) Account With Institution**

Party Identifier /FW026009632  
Name Address MUGB BANK LTD.

**(59 ) Beneficiary Customer**

Account 310-060-524  
Name Address CRYSTAL CRUISES INC.

**(71A) Details of Charges**

OUR

# **EXHIBIT “B”**