

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 DENISE ALEVY & GARY ALEVY

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 Denis Alevy & Gary Alevy (“Alevy” or “Claimants”), 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. Alevy delivered their claim of \$1,000,000.00 to the assignee on June 2, 2022 (the “Alevy Claim”), a true and correct copy of which Claim, along with the proffered supporting documents, are collectively attached hereto as **Exhibit “A”**.

OBJECTION TO CLAIM

7. Alevy's Claim is result of a personal injury lawsuit in the Supreme Court of the State of New York, County of New York, Index No: 1159731/2019. Alevy obtained a Default Judgment against Assignor on March 6, 2023, after the assignment occurred. As the claim accrued after the Assignment of Creditors, Assignee objects to this Claim in its entirety.

8. 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.

9. Should any additional documents or information be provided, Assignee reserves the right to raise additional defenses.

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

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

DATED this 8th 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

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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 Denis Alevy and Gary Alevy c/o Samuel Meirowitz, Esq. via email at PIteam@mwinjurylaw.com and U.S. mail to Meirowitz & Wasserberg, LLP, 332 East 149th St. Suite 201, Bronx, NY 10451; and via email to cb144@jud11.flcourts.org pursuant to CBL Rule 2.2.

By: /s/ Danielle N. Waters
Danielle N. Waters

EXHIBIT “A”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK COUNTY

-----X
DENISE ALEVY and GARY ALEVY,

Plaintiffs,

-against-

CRYSTAL LTD. D/B/A CRYSTAL CRUISES,
CHRISTOPHER CESTARI, GENTING HONG
KONG LTD., CRYSTAL CRUISES,LLC,

Defendants,
-----X

COUNSELORS:

PLEASE TAKE NOTICE, that the within is a true copy of an Order of the Honorable
Shlomo S. Hagler, entered in the office of the Clerk of the within named Court on March 9, 2023.

Dated: Bronx, New York
March 14, 2023

Yours, etc.
MEIROWITZ & WASSERBERG, LLP

/s/ Jonathan Alvarez
By: _____
Jonathan A. Alvarez, Esq.
Attorneys for Plaintiff
332 East 149th Street, Suite 201
Bronx, New York 10451
(646) 661-1221

TO:

CRYSTAL CRUISES LLC
1501 Biscayne Blvd., Suite 501
Miami, FL 33132

CRYSTAL CRUISES LLC
c/o Corporation Service Company
80 State Street
Albany, New York 12207

MARK C. HEALY (Defendant's Assignee for Benefit of Creditors)
Michael Moecker & Associates, Inc.
1883 Marina Mile Blvd.
Ft. Lauderdale, FL 33315

NARDELLA & NARDELLA, PLLC (Defendant's Assignee for Benefit of Creditors)
135 W. Central Blvd., Suite 300
Orlando, FL 32801

CLERK OF THE GENERAL CLERK'S OFFICE
60 Centre Street, Room 119
New York, New York 10007

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. SHLOMO S. HAGLER PART 17

Justice

-----X

DENISE ALEVY, GARY ALEVY,

Plaintiff,

- v -

CRYSTAL LTD. D/B/A CRYSTAL CRUISES,
CHRISTOPHER CESTARI, GENTING HONG KONG LTD.,
CRYSTAL CRUISES, LLC

Defendant.

-----X

INDEX NO. 159731/2019
MOTION DATE 12/16/2022
MOTION SEQ. NO. 002

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 002) 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39

were read on this motion to/for JUDGMENT - DEFAULT.

By Order, dated June 27, 2022 (NYSCEF Doc. No. 21) and entered on July 12, 2022 (NYSCEF Doc. No. 22), this Court granted the motion by Freehill Hogan & Mahar, LLP (“Outgoing Counsel”) to be relieved as attorney for defendant Crystal Cruises, LLC (“Crystal”) and stayed the matter for thirty (30) days (“Prior Order”). In accordance with the Prior Order, Outgoing Counsel served a copy of the Prior Order upon Crystal with notice of entry (NYSCEF Doc. Nos. 24, 25). NYSCEF reflects that there has been no notice of appearance filed on behalf of Crystal [(CPLR 321 (a))].


On the basis of the foregoing, it is

ORDERED that plaintiff’s motion for a default judgment as against defendant Crystal Ltd d/b/a Crystal Cruises, LLC is granted on liability without opposition; and it is further

ORDERED that an immediate trial of the issues regarding damages shall be had before the court; and it is further

ORDERED that plaintiff shall, within 20 days from entry of this order, serve a copy of this order with notice of entry upon counsel for all parties hereto and upon the Clerk of the General Clerk's Office and shall serve and file with said Clerk a note of issue and statement of readiness and shall pay the fee therefor, and said Clerk shall cause the matter to be placed upon the calendar for such trial before the undersigned; and it is further

ORDERED that such service upon the General Clerk's Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-Filing" page on the court's website)].

<u>3/6/2023</u> DATE	 SHLOMO S. HAGLER, J.S.C.			
CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	DENIED
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	GRANTED IN PART
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	SUBMIT ORDER
			<input type="checkbox"/>	FIDUCIARY APPOINTMENT
			<input type="checkbox"/>	REFERENCE
			<input type="checkbox"/>	OTHER

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK COUNTY

-----X
DENISE ALEVY and GARY ALEVY,

Plaintiff,

-against-

Index No.: 159731/2019

CRYSTAL LTD. D/B/A CRYSTAL CRUISES,
CHRISTOPHER CESTARI, GENTING HONG
KONG LTD., CRYSTAL CRUISES,LLC,

Defendants.
-----X

NOTICE OF ENTRY WITH ORDER

MEIROWITZ & WASSERBERG

Attorneys for Plaintiff

332 East 149th Street, Suite 201

Bronx, New York 10451

(212) 897-1988

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

*Dated: Bronx, NY
March 14, 2023*

*Signed: _____
Jonathan A. Alvarez, Attorney for Plaintiff*

Service of a copy the within Plaintiff's Notice of Entry is hereby admitted.

Dated: _____

*_____
Attorney(s) for*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
DENISE ALEVY and GARY ALEVY,

Plaintiff,

-against-

CRYSTAL LTD. D/B/A CRYSTAL CRUISES,
CHRISTOPHER CESTARI, GENTING HONG
KONG LTD., CRYSTAL CRUISES, LLC,
Defendants.

NOTE OF ISSUE

Index No.: 159731/2019

-----X
NOTE OF ISSUE

- Trial by jury demanded
 Of all issues
 Of issues specified below
 or attached hereto
 Trial without jury

Filed by attorneys for Plaintiff

Date summons served 10/07/19
Date service completed 10/17/19
Date issue joined N/A

NATURE OF ACTION OR SPECIAL PROCEEDING

- Tort Motor vehicle negligence
 Medical malpractice
- Other (not itemized above specify): **Premises**
 This action is brought as a class action

Amount demanded a sum which exceeds the jurisdictional limits of all lower Courts and Tribunals.

Special preference claimed under N/A on the ground that N/A.

Insurance Carrier(s) if known: N/A

MEIROWITZ & WASSERBERG, LLP

Attorneys for Plaintiff
332 East 149th Street, Suite 201

Bronx, New York 10451
(646) 661-1221

To:

CRYSTAL CRUISES LLC
1501 Biscayne Blvd., Suite 501
Miami, FL 33132

CRYSTAL CRUISES LLC
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80 State Street
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135 W. Central Blvd., Suite 300
Orlando, FL 32801

CLERK OF THE GENERAL CLERK'S OFFICE
60 Centre Street, Room 119
New York, New York 10007

CERTIFICATE OF READINESS FOR TRIAL

	Completed	Waived	Not Required
1. All pleadings served	_____	<u> X </u>	_____
2. Bill of particulars served	_____	<u> X </u>	_____
3. Physical examination completed	_____	<u> X </u>	_____
4. Medical reports exchanged	_____	<u> X </u>	_____
5. Appraisal reports exchanged	_____	_____	<u> X </u>
6. Compliance with the Rules in matrimonial actions (22 NYCRR 202.16)	_____	_____	<u> X </u>
7. Discovery proceedings now known to be necessary completed	<u> X </u>	_____	_____
8. There are no outstanding requests for discovery.			
9. There has been a reasonable opportunity to complete the foregoing proceedings.			
10. There has been compliance with any order issued pursuant to the Pre-calendar Rules (22 NYCRR 202.12).			
11. If a medical malpractice action, there has been compliance with any order issued pursuant to 22 NYCRR 202-56.			
12. The case is ready for Trial as per Order dated March 9, 2023, by Hon. Shlomo S. Hagler.			

Dated: Bronx, NY
March 15, 2023

MEIROWITZ & WASSERBERG, LLP
/s/ Jonathan Alvarez

JONATHAN A. ALVAREZ
Attorneys for Plaintiff
332 East 149th Street, Suite 201
Bronx, NY 10451
(646) 661-1221