

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 PRAETORIAN FIRE RESCUE

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 Praetorian Fire Rescue (“PFR” or “Claimant”), 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. PFR delivered its claim of \$147,000 to the assignee on July 11, 2022, via email (the “Claim”), a true and correct copy of which Claim is attached hereto as **Exhibit “A”**.

7. While the Claim was proffered after the Bar Date, and thus was untimely, PFR was not included on the list of Assignor’s possible creditors provided to Assignee by the Assignor.

Therefore, for fairness's sake, Assignee is not objecting to the Claim on the basis of its untimely proffering. Rather, Assignee's basis for objection is PFR's failure to provide substantive evidence as to its claim's validity.

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. 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

10. The only documents PFR attached to its proof of claim is an email to Assignee's office and a list of itemized expenses showing three allegedly past due invoices dating back to August of 2021. Assignee cannot find any support for these allegedly past due invoices in the records of Assignor nor can Assignee find a copy of the an agreement between Assignor and PFR.

11. On May 17, 2023, and then again on June 1, 2023, Assignee contacted PFR and requested copies of the invoices and/or a copy of an original agreement between Assignor and PFR. To date, PFR has not responded to either of Assignee's request for additional documentation evidencing the validity of the Claim.

12. As PFR has failed to provide any documentation evidencing the debt alleged by PFR, Assignee requests that this Court deny the Claim.

WHEREFORE, the Assignee respectfully requests the Court enter an order sustaining his Objection to PFR's Claim and enter an order DENYING PFR's Claim and for any and all other relief this court deems just and proper.

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
pmascia@nardellalaw.com
dwaters@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 January 8, 2024, which will serve upon all parties and interested persons of record in this action; on claimant Praetorian Fire Rescue via email at Helpenstell@praetorianFire.com and U.S. mail to 22409 44th Avenue Court East, Spanaway, WA 98387; and via email to cbl44@jud11.flcourts.org pursuant to CBL Rule 2.2.

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

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.

2822

LATE!

Assignor,

Case No.: 2022-002742 CA 01

To:

MARK C. HEALY,

Assignee,



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): Praetorian Fire Rescue
ADDRESS: 22409 44th avenue court east
Spanaway, WA 98387
TELEPHONE NUMBER: 360 731 2627
E-MAIL ADDRESS: Helpenstell@PraetorianFire.com
Please be sure to notify us if you have a change of address.

2. BASIS FOR CLAIM:
 Goods Sold Wages, Salaries and Compensations Secured Creditor
 Services Performed Taxes
 Money Loaned Shareholder Other: _____

3. DATE DEBT WAS INCURRED: June - July 2021

4. AMOUNT OF CLAIM: 147,000.00USD

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: 06/02/2022

BY: Eric Helpenstell
Signature of Claimant or Representative

Eric Helpenstell, Operations Director, Praetorian Fire Rescue

Print Name and Title Here



PRAETORIAN FIRE RESCUE
TIN 81-1018801
USCG OSRO # 411

Date: 1 August 2021

Invoice #: 1 Praetorian Fire Rescue for July 2021.

BILL TO: Crystal Cruises
1501 Biscayne Blvd #501
Miami, FL 33132

| P.O. NUMBER | TERMS | REP | SHIP | SHIP VIA | COMMENTS |
|------------------|-----------------------|-----|------|----------|---|
| June / July 2021 | Payment upon receipt. | | | | Consulting and emergency SOP production / COVID |

ITEMIZED EXPENSES

| Line Item | Date | Description | Unit | Rate | Total |
|-----------|------------|--|-------|-----------|--------------|
| 1 | 08/01/2021 | Past Due June 2021. 30 days of consultation services. Covid /CEM Specialist. | 30 ea | 2000.00 | 60,000.00 |
| 2 | 08/01/2021 | Past Due June 2021. Initial covid action plan. | 1 ea | 25,000.00 | 25,000.00 |
| 3 | 08/01/2021 | July 2021. 31 Days of consultation services. | 31 ea | 2000.00 | 62,000.00 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | Total | \$147,000.00 |

Please remit too:

Praetorian Fire Rescue
22409 44th Avenue Court East
Spanaway, WA 98387
Wells Fargo N.A. RTN 121000248
Account: 1224972859

Thank you for your business.


Eric Helpenstell

Praetorian Fire Rescue
360 731 2627
Helpenstell@PraetorianFire.com

Norma Castellon

From: info @Moecker.com
Sent: Monday, July 11, 2022 12:17 PM
To: Norma Castellon
Subject: FW: Helpenstell
Attachments: Praetorian Claim for Payment Crystal Cruises Insolvency.pdf

From: Eric Helpenstell
Sent: Monday, July 11, 2022 12:00 PM
To: info @Moecker.com <info@moecker.com>
Subject: Helpenstell

Greetings,

Please find attached our claim for bad debt with Crystal Cruises. We called and spoke several months ago about this process and you guys asked "do you know where they bank"?

We researched all we could and all we could find was the payment used for shipping their documents to use was on an visa account from "Nordea Bank" New Jersey. I have no idea if that helps.

Regardless, the 147k they have not paid a cent on from last year is a significant amount to us. Any relief will go a long ways.

Thank you for your time,

eric

Eric Helpenstell CEM
Praetorian Fire Rescue
360 731 2627
Helpenstell@praetorianfire.com