

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 PON POWER BY

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 Pon Power BV (“Pon Power” 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. 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

5. Pon Power delivered Claim No. 2702 in the amount of U.S. Dollars \$46,986.22 (the “Claim”) to the Assignee on or about April 1, 2022, a true and correct copy of which Claim is attached hereto as **Exhibit “A”**.

6. Assignee reviewed the claim and the documentation provided by the Claimant. The invoices submitted with the Claim are directed to Crystal River Cruises, Operation Cooperatief U.A., De Ruijterkade 112A, 1011 AB, Amsterdam. Each of the invoices included with the Claim were directed to Crystal River Cruises.

7. To determine whether Pon Power had a valid claim against the Assignee, the Assignee requested additional information and documentation from Pon Power. In response, Pon Power submitted to the Assignee a purchase order purportedly related to the Claim, a true and correct copy of the purchase order is attached hereto as **Exhibit "B"** (the "Purchase Order"). The Purchase Order was also directed to Crystal River Cruises Operations Cooperatief U.A., De Ruijterkade 112-A, s-100, Amsterdam 1011 AB, Netherlands.

8. Crystal River Holdings, Inc. is a business entity based in the Netherlands and is separate and distinct from Crystal Cruises LLC,

9. Pursuant to § 727.103(8), *Florida Statutes*, a "Creditor" is defined as a person having a claim against the assignor, whether such claim is contingent, liquidated unliquidated, or disputed.

10. On the basis that both the invoices attached to the Claim and the Purchase Order are directed to the distinct entity Crystal River Cruises, Pon Power does not have a valid claim against the Assignor, Crystal Cruises, and is therefore not entitled to payment of the Claim as a creditor defined under § 727.103(8), *Florida Statutes*.

11. As such, the Assignee objects to the Claim in its entirety in the amount of \$46,986.22 as the Claim is improper as to Assignee.

WHEREFORE, the Assignee respectfully requests the Court enter an order sustaining his Objection to Pon Power's Claim, DENYING the entirety of the Claim in the amount of \$46,986.22 and granting any such further relief that this Court may deem just and proper.

DATED this 7th day of February 2024.

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 February 7, 2024, which will serve upon all parties and interested persons of record in this action; on claimant Pon Power BV via U.S. mail to Ketelweg 20 3356 LE, Papendrecht Netherlands; and via email to ar.power.nl@pon-cat.com and cbl44@jud11.flcourts.org pursuant to CBL Rule 2.2.

By: /s/ Paul N. Mascia

Paul N. Mascia

Exhibit A

2702

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,

To:

MARK C. HEALY,

Assignee,

Case No.: 2022-002742 CA 01



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:

Pon Power BV
KETELWEG 20
3356 LE PAPENDRECHT
The Netherlands
AR. POWER.NL@PON-CAT.COM
Please be sure to notify us if you have a change of address.

TELEPHONE NUMBER:
E-MAIL ADDRESS:

2. BASIS FOR CLAIM:

- Goods Sold
- Services Performed
- Money Loaned
- Wages, Salaries and Compensations
- Taxes
- Shareholder
- Secured Creditor
- Other: _____

3. DATE DEBT WAS INCURRED:

29-11-2021

4. AMOUNT OF CLAIM:

€ 41291.46 = US \$46,986.22

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: 29-03-2022

BY: [Signature]
Signature of Claimant or Representative

Pon Power BV
Ketelweg 20 - Postbus 61
3350 AR Papendrecht
Print Name and Title Here



Pon Power BV
 Ketelweg 20
 3356 LE Papendrecht
 P.O. Box 61
 3350 AB Papendrecht
 The Netherlands
 T. +31 78 6420 420
 pon-cat.com

CRYSTAL RIVER CRUISES
 OPERATIONS COOPERATIEF U.A.
 DE RUIJTERKADE 112A
 1011 AB AMSTERDAM

INVOICE

Invoice number	Invoice date	Workorder number	Order date
WODE0972682	29-11-21	RS23716	04-11-21

Your order no: 005219041 Customer no: 262975A Model: C18 Serial no: 0GBM00571 Operating hours: 33599

REGARDING : CRYSTAL MOZART
 LOCATION : LINZ (A)
 DATE : 08-11 TILL 18-11-2021
 YOUR CONTACTPERSON: MR. J. FRESCA
 OUR CONTACTPERSON : MR. J. TEEUWEN
 QUOTATIONNUMBER : PS.DV.139999

WE HEREWITH CHARGE YOU FOR;

PERFORM MAINTENANCE ON ENGINE

PERFORMED WORK CONFORM SERVICE REPORT

1	2M-1395	GASKET	3.62	3.62
1	124-9052	GASKET-RGLT	6.82	6.82
1	248-5513	REGULATOR-TE	85.44	85.44
TOTAL PARTS				95.88
TOT. ARBEID				376.00
Segment 01 Total				471.88

TROUBLESHOOT		ENGINE		
1	2N-0931	GASKET	3.68	3.68
1	3S-2713	NUT	.51	.51
1	5P-5846	SEAL O R	28.01	28.01
1	5P-8068	SEAL	26.11	26.11

PAYMENT WITHIN 30 DAYS AFTER INVOICE DATE | PLEASE MENTION WITH YOUR PAYMENT:

All legal relationships of Pon Power BV are governed by our general terms and conditions, which will be made available upon request without charge. The terms and conditions are registered with the Chamber of Commerce at Rotterdam. Pon Power BV explicitly rejects the applicability of any general terms and conditions of its contracting parties. Jurisdiction: District Court Dordrecht, The Netherlands.

Chamber of Commerce Rotterdam 23060463
 EURO IBAN: NL72ABNA0414045122
 BIC: ABNANL2A

VAT NL0086.95.428.B01
 USD IBAN: NL51ABNA0414059565
 BIC: ABNANL2A





Pon Power BV
 Ketelweg 20
 3356 LE Papendrecht
 P.O. Box 61
 3350 AB Papendrecht
 The Netherlands
 T: +31 78 6420 420
 pon-cat.com

CRYSTAL RIVER CRUISES
 OPERATIONS COOPERATIEF U.A.
 DE RUIJTERKADE 112A
 1011 AB AMSTERDAM

INVOICE

Invoice number	Invoice date	Workorder number	Order date
WODE0972682	29-11-21	RS23716	04-11-21

Your order no: 005219041	Customer no: 262975A	Model: C18	Serial no: 0GBM00571	Operating hours: 33599
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1	8L-2777	O RING	8.14	8.14
3	124-9052	GASKET-RGLT	6.82	20.46
2	188-0210	GASKET-RAIL	39.26	78.52
6	20R-0630	CYL PCK AS	1045.54	6273.24
6		CORE CHARGE	452.09	2712.54
6-		CREDIT CORE	452.09	2712.54-
1	20R-3318	ARM A V ROCK	236.52	236.52
1		CORE CHARGE	100.39	100.39
1-		CREDIT CORE	100.39	100.39-
6	248-1394	KIT-GASKET-S	36.92	221.52
1	258-8721	BUTTON	21.08	21.08
6	261-3450	BEARING-ROD	70.94	425.64
1	274-4491	SCREW-ROCKER	24.42	24.42
1	455-1850	KIT GASKET	468.48	468.48
1	455-9998	KIT GASKET	1440.55	1440.55
1	238001	5LTR.ONTVET.MIDDEL	20.12	20.12
1	269008	DS POETSDOEK	30.00	30.00
1	701358	SOLVECO PARTS CL	48.32	48.32
1	335002	MOLYKOTE 111-100GR	36.24	36.24
1	335026	LOC.5188 GASK.MAK.	253.39	253.39
50	700402	TY-RAP TY27MX	.34	17.00

TOTAL PARTS 9681.95
TOT. ARBEID 7186.50
segment 05 Total 16868.45

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Chamber of Commerce Rotterdam 23060463
 EURO IBAN: NL72ABNA0414045122
 BIC: ABNANL2A

VAT NL0086.95.429.B01
 USD IBAN: NL51ABNA0414059565
 BIC: ABNANL2A





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 Ketelweg 20
 3356 LE Papendrecht
 P.O. Box 61
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 The Netherlands
 T: +31 78 6420 420
 pon-cat.com

CRYSTAL RIVER CRUISES
 OPERATIONS COOPERATIEF U.A.
 DE RUIJTERKADE 112A
 1011 AB AMSTERDAM

INVOICE

Invoice number	Invoice date	Workorder number	Order date	
WODE0972682	29-11-21	RS23716	04-11-21	
Your order no: 005219041	Customer no: 262975A	Model: C18	Serial no: 0GBM00571	Operating hours: 33599

TRAVEL TO/FROM TRAVEL EXPENSES

HOTELCOSTS, PCR-TEST, PARKING COSTS

	3059.13
Segment 93 Total	3059.13

TRAVEL TO/FROM TRAVEL/MILEAGE

2 SERVICE TECHNICIANS ROUNDTRIP TO LINZ (A)
 FROM 08-11-2021 TILL 12-11-2021

2 SERVICE TECHNICIANS ROUNDTRIP TO LINZ (A)
 FROM 16-11-2021 TILL 18-11-2021

CONFORM TRAVELCOST CALCULATION

	9974.23
Segment 95 Total	9974.23

PARTS 25%	2444.46-
LABOR 10%	756.25-
TOTAAL VOOR B.T.W.	27172.98
BTW nr. / VAT no. NL856332458B01	
BTW 21%	5706.33

PAYMENT WITHIN 30 DAYS AFTER INVOICE DATE | PLEASE MENTION WITH YOUR PAYMENT:

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 BIC: ABNANL2A

VAT NL0086.95.428.B01
 USD IBAN: NL51ABNA0414059565
 BIC: ABNANL2A





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CRYSTAL RIVER CRUISES
 OPERATIONS COOPERATIEF U.A.
 DE RUIJTERKADE 112A
 1011 AB AMSTERDAM

INVOICE

Invoice number	Invoice date	Workorder number	Order date	
WODE0972682	29-11-21	RS23716	04-11-21	
Your order no: 005219041	Customer no: 262975A	Model: C18	Serial no: 0GBM00571	Operating hours: 33599

TOTAL EUR 32879.31

PAYMENT WITHIN 30 DAYS AFTER INVOICE DATE | PLEASE MENTION WITH YOUR PAYMENT:

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 BIC: ABNANL2A

VAT NL0086.95.428.B01
 USD IBAN: NL51ABNA0414059565
 BIC: ABNANL2A





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 pon-cat.com

CRYSTAL RIVER CRUISES
 OPERATIONS COOPERATIEF U.A.
 DE RUIJTERKADE 112A
 1011 AB AMSTERDAM

INVOICE

Invoice number	Invoice date	Workorder number	Order date	
WODE0972683	29-11-21	RS23719	04-11-21	
Your order no: 005219041	Customer no: 262975A	Model: C18	Serial no: 0GBM00570	Operating hours: 32978

REGARDING : CRYSTAL MOZART
 LOCATION : LINZ (A)
 DATE : 08-11 TILL 18-11-2021
 YOUR CONTACTPERSON: MR. J. FRESCA
 OUR CONTACTPERSON : MR. J. TEEUWEN
 QUOTATIONNUMBER : PS.DV.139999

WE HEREWITH CHARGE YOU FOR:

PERFORM MAINTENANCE ON ENGINE

CONFORM QUOTE: PS.DV.139999

	114.00
Arb	1015.00
Segment 01 Total	1129.00
<hr/>	
DISCOUNT 10%	112.90-
TOTAAL VOOR B.T.W.	1016.10
BTW nr. / VAT no. NL856332458B01	
BTW 21%	213.38

TOTAL EUR 1229.48

PAYMENT WITHIN 30 DAYS AFTER INVOICE DATE | PLEASE MENTION WITH YOUR PAYMENT:

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Chamber of Commerce Rotterdam 23060463
 EURO IBAN: NL72ABNA0414045122
 BIC: ABNANL2A

VAT NL0086.95.428.B01
 USD IBAN: NL51ABNA0414059565
 BIC: ABNANL2A





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 P.O. Box 61
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 pon-cat.com

CRYSTAL RIVER CRUISES
 OPERATIONS COOPERATIEF U.A.
 DE RUIJTERKADE 112A
 1011 AB AMSTERDAM

INVOICE

Invoice number	Invoice date	Workorder number	Order date
WODE0972685	29-11-21	RS23720	04-11-21

Your order no: 005219041 Customer no: 262975A Model: C18 Serial no: 0GBM00474 Operating hours: 33419

REGARDING : CRYSTAL MOZART
 LOCATION : LINZ (A)
 DATE : 08-11 TILL 18-11-2021
 YOUR CONTACTPERSON: MR. J. FRESCA
 OUR CONTACTPERSON : MR. J. TEEUWEN
 QUOTATIONNUMBER : PS.DV.139999

WE HEREWITH CHARGE YOU FOR:

PERFORM MAINTENANCE ON ENGINE

CONFORM QUOTE: PS.DV.139999

	114.00
Arb	1015.00
Segment 01 Total	1129.00

ENGINE

REPAIR GENERATOR

1	152474	CAT BALL BEARING	6.04	6.04
			TOTAL PARTS	6.04
			TOT. ARBEID	3781.50
1.00		REPAIR GENERATOR		780.00

PAYMENT WITHIN 30 DAYS AFTER INVOICE DATE | PLEASE MENTION WITH YOUR PAYMENT:

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Chamber of Commerce Rotterdam 23060463
 EURO IBAN: NL72ABNA0414045122
 BIC: ABNANL2A

VAT NL0086.95.428.B01
 USD IBAN: NLS1ABNA0414059565
 BIC: ABNANL2A





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CRYSTAL RIVER CRUISES
 OPERATIONS COOPERATIEF U.A.
 DE RUIJTERKADE 112A
 1011 AB AMSTERDAM

INVOICE

Invoice number	Invoice date	Workorder number	Order date
WODE0972685	29-11-21	RS23720	04-11-21

Your order no: 005219041 Customer no: 262975A Model: C18 Serial no: 0GBM00474 Operating hours: 33419

Diverse kosten 780.00
 Segment 04 Total 4567.54

DISCOUNT 10% 569.65-
TOTAAL VOOR B.T.W. **5126.89**
 BTW nr. / VAT no. NL856332458B01
 BTW 21% 1076.65

TOTAL EUR 6203.54

PAYMENT WITHIN 30 DAYS AFTER INVOICE DATE | PLEASE MENTION WITH YOUR PAYMENT:

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Chamber of Commerce Rotterdam 23060463
 EURO IBAN: NL72ABNA0414045122
 BIC: ABNANL2A

VAT NL0086.95.426.B01
 USD IBAN: NL51ABNA0414059565
 BIC: ABNANL2A





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 T. +31 78 6420 420
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CRYSTAL RIVER CRUISES
 OPERATIONS COOPERATIEF U.A.
 DE RUIJTERKADE 112A
 1011 AB AMSTERDAM

INVOICE

Invoice number	Invoice date	Workorder number	Order date
WODE0980997	21-02-22	RS25843	15-11-21

Your order no: 005219041	Customer no: 262975A	Model: C18	Serial no: 0GBM00571	Operating hours:
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REGARDING : CRYSTAL MOZART
 LOCATION : DELIVERED ON BOARD
 DATE : 14-02-2022
 YOUR CONTACTPERSON: MR. A. VETTORI
 OUR CONTACTPERSON : MR. J. TEEUWEN

WE HEREWITH CHARGE YOU FOR:

SUPPLY PARTS COMPONENT(S)

SUPPLY 3 X JABSCO PUPPY PUMP 23920-2523
 DELIVERED ON BOARD

Segment 01 Total	889.92
	889.92
DISCOUNT 10%	88.99-
TOTAAL VOOR B.T.W.	800.93
BTW nr. / VAT no. NL856332458B01	
BTW 21%	168.20

TOTAL EUR 969.13

PAYMENT WITHIN 30 DAYS AFTER INVOICE DATE | PLEASE MENTION WITH YOUR PAYMENT:

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Chamber of Commerce Rotterdam 23060463
 EURO IBAN: NL72ABNA0414045122
 BIC: ABNANL2A

VAT NL0086.95.428.B01
 USD IBAN: NL51ABNA0414059565
 BIC: ABNANL2A



Exhibit B



CRYSTAL®

Purchase Order

ShipServ Supplier Record:	ShipServ Buyer Record:
Pon Power BV Ketelweg 20, Postbus 61, Papendrecht, -, NL-3356LE, Netherlands Contact: Arjan den Hartog Tel: +31786420586 Email: Arjan.den.Hartog@pon-cat.com	Crystal River Cruises Operations Cooperatief U.A. De Ruijterkade 112-A, s-100, Amsterdam 1011 AB, Netherlands Contact: Tel: Email: marinepurchasing@crystalcruises.com

Supplier Contact:	Buyer Contact:
Contact: Dirk Verboom Tel: +31 78 642 05 32 Email: dirk.verboom@pon-cat.com	Contact: MARIAN CACIULARU Tel: Email: mcaciularu@crystalcruises.com

PO Details:	
PO Ref: 005219041	PO Date: 21 Oct 2021 15:51 (GMT)
Subject: PS.DV.139999 3 X CAT C-18 MAINTENANCE	Port: CRY-MOZ
Vessel: Crystal Mozart	
Vessel No.: ENI04805980	

Billing Details:	Delivery:
Address: Crystal River Cruises Operations Coopera 1501 Biscayne Blvd, Suite 501, Miami, FL, 33132 Name: Accounts Payable - River Vessels Email: RiverAP@CrystalCruises.com	

Buyer Terms and Conditions:	
General Terms & Conditions:	<p>NO CONFLICT OF INTEREST</p> <p>Vendor understands that the employees of Crystal and the Vessels are required at all times to act in the best interests of Crystal and the Vessel operations, and not at any time to accept material private consideration. Vendor agrees not in any way to offer or give consideration to an employee of Crystal or the Vessels which may influence or be an attempt to influence the business decisions and actions of such employees or performance under this Agreement.</p> <p>CRYSTAL CRUISES PURCHASING TERMS AND CONDITIONS: By accepting this order the supplier agrees with the following payment terms and conditions:</p> <p>1. Invoices in excess of the PO amount will be honored only to the amount on the PO. The amount on this PO is not to be exceeded without prior written authorization in the form of a revised PO.</p> <p>2. Payment will be net 30 from the later of receipt of correct invoice and other required documentation, or acceptance of goods or services.</p> <p>3. To ensure payment, all invoices submitted must include:</p> <p>(i) An Invoice Number</p> <p>(ii) Crystal Cruises PO Number</p> <p>(iii) A signed delivery receipt (note that proof of deliveries to vessels must also include the vessel-</p>

unique stamp)

(iv) Back-up documentation to the degree necessary to support payment made to other parties in support of the Order requirements.
Absence of any of the above may result in the invoice either being returned or payment delayed.

4. IF CORRECT INVOICES ARE RECEIVED 60 DAYS OR MORE AFTER BUYER'S RECEIPT OF THE GOODS OR SERVICES, THE INVOICE AMOUNT WILL BE SUBJECT TO AUTOMATIC REDUCTION AS FOLLOWS:
60 - 90 DAYS 5% REDUCTION
90 - 120 DAYS 25% REDUCTION
120-180 DAYS 50% REDUCTION
Invoices received more than 180 days will not be honored

Other Buyer Details:

Comments: [Port: CRY-MOZ] Order Priority: NORMAL

Document Tracking:

Tracking Number: 351989045129833

Line Items							Currency: EUR		
Equipment Section:									
No.	Part Type	Part No.	Qty	Unit	Description	Unit Price	Disc %	Total Price	
1			1.0	Piece(PCE)	[SERVICE] PS.DV.139999 3 X CAT C-18 MAINTENANCE Comments: Yard Drawing: , Electrical Data:	5037.00	0.00	5037.00	
							Line Item Sub Total:	5037.00	
							TOTAL PRICE (EUR):	5037.00	

Generated by ShipServ, Inc FOR Pon Power BV (TradeNet ID: 60134)
FROM Crystal River Cruises Operations Cooperatief U.A. (TradeNet ID: 12983)
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