

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
Fort Lauderdale Division  
www.flsb.uscourts.gov

In re:

COMPREHENSIVE CLINICAL  
DEVELOPMENT, INC.,

Case No. 13-17273-JKO

COMPREHENSIVE CLINICAL  
DEVELOPMENT NW, INC.,

Case No. 13-17282-JKO

Debtors.

Chapter 7  
(Jointly Administered)

**TRUSTEE'S EX PARTE MOTION TO RELEASE FUNDS**

Marc P. Barmat, the duly-appointed Chapter 7 trustee in the above-captioned bankruptcy cases (the "**Trustee**"), by and through undersigned counsel, hereby files this *Ex Parte* Motion to Release Funds (the "**Motion**"), and states as follows:

1. This case was commenced by the filing of a voluntary petition for relief under Chapter 11 of the Bankruptcy Code on March 29, 2013 (the "**Petition Date**") and was converted to a case under Chapter 7 of the Bankruptcy Code on August 29, 2013 the "**Conversion Date**"). Marc P. Barmat is the duly appointed and acting Chapter 7 Trustee for the Debtor's Estates (collectively, the "**Estate**").

2. The Debtor<sup>1</sup>, which formerly conducted clinical research study trials for pharmaceutical companies, is no longer operating.

3. On October 11, 2013, the purchaser of the Early Phase of the Debtor's business, Watson Pharmaceuticals, Inc. n/k/a/ Actavis Pharmaceuticals, Inc. ("**Actavis**") sent a wire transfer in the amount of \$6,665.49 (the "**Funds**") to the Debtor's account,

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<sup>1</sup> This jointly administered case comprises of Debtors Comprehensive Clinical Development Inc. and Comprehensive Clinical Development NW, Inc., which will be collectively referred to as the "Debtor."

when said Funds were in fact owed to the purchaser of the Late Phase of the Debtor's business, CNS, LLC ("CNS") for services rendered post-acquisition.

4. Actavis had mistakenly sent the Funds to the Debtor as CNS had purchased the rights to use the name "Comprehensive Clinical Development, Inc." which is also the name of the Debtor. Therefore, Actavis made the same payment twice: one payment went to CNS, or the "New CCD" and one to the Debtor, "the Old CCD."

5. Since the services rendered by CNS to Actavis occurred post-acquisition of the Late Phase of the Debtor's business, CNS was the rightful remittee of the \$6,665.49, and not the Debtor.

6. Consequently, the Trustee wishes to reimburse Actavis for the inadvertent payment.

7. The invoice and proof of payment is attached as Exhibit "A" to this Motion.

8. Due to the considerable expense in manually noticing non-ECF registered parties, coupled with the fact that the estate is administratively insolvent, the Trustee is only noticing this Motion to those parties who receive notices electronically.

WHEREFORE, the Trustee respectfully requests that the Court enter an *ex parte* order authorizing and directing the Trustee to release the Funds in the amount of \$6,665.49 to Actavis.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished in the manner stated this 21st day of February 2014, to those enumerated below.

Respectfully Submitted,  
FURR AND COHEN, P.A.  
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By: /s/ Aaron A. Wernick  
Aaron A. Wernick, Esq.  
Fla. Bar No.: 14059  
E-mail: awernick@furrcohen.com

### **VIA ECF**

The following is the list of parties who are currently on the list to receive email notice/service for this case.

- Joaquin J Alemany joaquin.alemany@hklaw.com, jose.casal@hklaw.com
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- Richard B Warren rick@warrengrant.com, jennifer@warrengrant.com;michael@warrengrant.com

**Exhibit "A"**  
**Invoice and Proof of Payment**

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**From:** Sofia Cushion [<mailto:Sofia.Cushion@andanet.com>]  
**Sent:** Thursday, October 24, 2013 3:49 PM  
**To:** Melissa Davis  
**Subject:** COMPREHENSIVE CLINICAL RESEARCH PAYMENT - INCORRECT BANK ACCOUNT

Hi Melissa,  
Here are the details of the payment that went to the old CCD account.  
It was sent thru EFT payment 10/11/13

Total amount = \$ 6,665.49 – EFT# 75245  
Here is the banking information:  
Wells Fargo Bank  
Acct# 200050176982  
ABA# 121000248

We have not received the rejection notice from the Bank. We had sent the information to our Treasury Dept. to do some research as well.

Please see below the Invoice and the bank info.  
Thank you so much for your assistance.



3450 Lakeside Drive, Suite 304  
Miramar, FL 33027  
Phone: (954) 266-2620

# Invoice

Date	Invoice #
9/17/2013	2013CNS073

## Bill To:

Watson Therapeutics, Inc.  
Attn: Sandra Dietz  
via E-mail  
sandra.dietz@watson.com

V-87174  
450  
410010.7615

OI-444313

Protocol	Terms	P. O. No.	Site
	Due on receipt		
Description	Rate	Quantity	Amount
Watson (68%) Microsoft SharePoint Online Storage Order# 5D397E4C-597D-4368-BD4E-9E837146BA0A	6,162.29		6,162.29
Watson (68%) Microsoft Exchange Online (Plan1) Order# 1288F9D1-03F6-40D8-B2D7-6602E578AFA1	503.20		503.20
Total Reimbursable Expenses			6,665.49
			<b>Total \$6,665.49</b>

Remit  
Payment  
via:

ACH Deposits:  
Beneficiary Bank: TCF National Bank  
Bank Address: 801 Marquette Ave \* Minneapolis, MN 55402

Express Delivery Service (FedEx, UPS, etc.)  
FIS  
Remittance Processing (CNS Research Science, Inc.)

Call me if you have any questions.

**Wire Transfer Instructions**

**Bank Name:** Wells Fargo Bank N.A

**Bank Account name:** Comprehensive Clinical Development, Inc.

**Bank Account #:** 2000050176982

**ABA#:** 121000248

Greta Au  
Associate Director, Finance  
Actavis  
400 Interpace Parkway  
Parsippany, NJ 07054

862-261-7178 (W)  
862-222-6615 (C)

Vt 87174  
eft # 75245  
10-11-13  
6,665.49

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**From:** Brenda Vesey

**Sent:** Wednesday, July 31, 2013 1:12 PM

**To:** Greta Au

**Cc:** Roberta L Vries

**Subject:** RE: Last day

Go ahead and release. We can resolve discrepancies based on Dorothy's audit in the next funding.

Thank you.

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**From:** Greta Au [mailto:greta.au@actavis.com]

**Sent:** Wednesday, July 31, 2013 1:04 PM

**To:** Brenda Vesey

**Cc:** Roberta L Vries

**Subject:** FW: Last day

**Importance:** High

Hi Brenda, it seems the wire can't wait - should we just wire the funds now?

Greta Au  
Associate Director, Finance  
Actavis  
400 Interpace Parkway  
Parsippany, NJ 07054

862-261-7178 (W)  
862-222-6615 (C)

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**From:** Juan Santiago [mailto:jsantiago@cnsmail.com]

**Sent:** Wednesday, July 31, 2013 1:02 PM

**To:** Greta Au

**Subject:** Re: Last day

**Exhibit “B”**  
**Proposed Order**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
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Debtors.

Chapter 7  
(Jointly Administered)

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**ORDER GRANTING TRUSTEE'S *EX PARTE* MOTION TO RELEASE FUNDS**

THESE JOINTLY ADMINISTERED CASES came before the Court for consideration of the *Trustee's Ex-Parte Motion* to Release Funds [ECF No. \_\_\_\_\_] (the "**Motion**"), and the Court, having considered the Motion and the record and being fully advised in the premises, it is hereby

**ORDERED** that:

1. The Motion is GRANTED.
2. The Trustee is authorized and directed to remit to Actavis

Pharmaceuticals, Inc. the sum of \$6,665.49.

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**Submitted by:**

Aaron A. Wernick, Esq.  
Furr and Cohen, P.A.  
*Attorneys for Debtor*  
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Phone: (561)395-0500  
Facsimile: (561) 338-7532

*Aaron A. Wernick, Esq. is directed to furnish a conformed copy of this order to all appropriate parties immediately upon receipt of same and file a certificate of service with the court.*