

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

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In re:

1 GLOBAL CAPITAL LLC, *et al.*,¹

Debtors.

1 GLOBAL CAPITAL LLC, and 1 WEST
CAPITAL LLC,

Plaintiffs,

v.

TRAVIS PORTFOLIO, LLC; OLIPHANT
FINANCIAL, LLC and COLLINS ASSET
GROUP, LLC,

Defendants.

Chapter 11

Case No. 18-19121-RBR

(Jointly Administered)

Adv. Case No. 19-01072

**PLAINTIFFS' THIRD AGREED *EX PARTE* MOTION TO CONTINUE HEARING
REGARDING MOTION TO DISMISS TRAVIS PORTFOLIO, LLC'S, OLIPHANT
FINANCIAL LLC'S AND COLLINS ASSET GROUP, LLC'S PROOFS OF CLAIM**

1 GLOBAL CAPITAL LLC and 1 WEST CAPITAL LLC (together, “**Plaintiffs**”), as debtors and debtors-in-possession in the above-captioned chapter 11 bankruptcy cases, pursuant to Local Rules 7090-1 and 9013-1(C)(8), move (this “**Motion**”), on an agreed basis, *ex parte* to continue the hearing scheduled to take place on August 27, 2019, at 10:00 a.m. Plaintiffs respectfully request that the hearing be continued to a date to be determined upon further order of the Court

¹ The Debtors in these Chapter 11 Cases, along with the business addresses and the last four (4) digits of each Debtor’s federal tax identification number, if applicable, are: 1 Global Capital LLC, d/b/a 1 GC Collections, 1250 E. Hallandale Beach Blvd., Suite 605, Hallandale Beach, FL 33009 (9517); and 1 West Capital LLC, d/b/a 1 West Collections, 1250 E. Hallandale Beach Blvd., Suite 605, Hallandale Beach, FL 33009 (1711). On February 19, 2019, the Debtors registered the fictitious names “1 GC Collections” and “1 West Collections” with the Florida Department of State.

following entry an order regarding the *Motion for Approval of Settlement Agreement Executed by and Among the Debtors and Travis Portfolio, LLC, Oliphant Financial, LLC, and Collins Asset Group, LLC* [Case No. 18-19121-RBR, ECF No. 878] (the “**Settlement Motion**”). In support of this Motion, Plaintiffs state:

1. On July 9, 2019, Plaintiffs filed the *Motion to Dismiss Travis Portfolio, LLC’s, Oliphant, LLC’s, and Collins Asset Group, LLC’s Proofs of Claim* [ECF No. 31] (the “**Motion to Dismiss**”).

2. On July 16, 2019, the Clerk of the Court provided notice pursuant to the *Notice of Hearing* [ECF No. 32] that a hearing will be held on August 13, 2019, at 10:00 a.m. (the “**Motion to Dismiss Hearing**”) to consider the Motion to Dismiss.

3. On July 22, 2019, Travis Portfolio, LLC, Oliphant Financial LLC, and Collins Asset Group, LLC (collectively, the “**Travis Parties**”) filed in Plaintiffs’ main chapter 11 cases an objection [Case No. 18-19121, ECF No. 803] (the “**Objection**”) to the disclosure statement proposed by Plaintiffs and the Official Committee of Unsecured Creditors (the “**Committee**,” and together with Plaintiffs, the “**Plan Proponents**”). In response, the Plan Proponents filed the *Plan Proponents’ Motion to Strike and Preliminary Response* [Case No. 18-19121, ECF No. 808] (the “**Response**”).

4. At a hearing held before this Court on July 24, 2019, at 1:30 p.m., Plaintiffs and the Travis Parties announced a resolution of the matters raised in the Objection and the Response. The resolution provided, among other things, that the Plan Proponents and the Travis Parties would attempt to settle their disputes and reach a global resolution of the matters raised in the Objection, the Response, and the above-captioned adversary proceeding, including the Motion to Dismiss, during a mediation session that would occur before the Motion to Dismiss Hearing.

5. On July 31, 2019, Plaintiffs filed *Plaintiffs' Agreed Ex Parte Motion to Continue Hearing Regarding Motion to Dismiss Travis Portfolio, LLC's, Oliphant Financial, LLC's and Collins Asset Group, LLC's Proofs of Claim* [ECF No. 37], requesting, on an agreed basis, that the court continue the Motion to Dismiss Hearing to allow the mediation process to advance in a constructive manner such that the parties may find an optimal solution. On August 1, 2019, the court entered an order [ECF No. 38], granting Plaintiffs' request and continuing the Motion to Dismiss Hearing to August 21, 2019, at 10:00 a.m.

6. On August 13, 2019, Judge Kimball facilitated a settlement conference among Plaintiffs, the Travis Parties, and the Committee. The settlement conference resulted in the execution of a term sheet that resolves all of the disputes among the parties, subject to approval by the Bankruptcy Court.

7. On August 16, 2019, Plaintiffs filed *Plaintiffs' Second Agreed Ex Parte Motion to Continue Hearing Regarding Motion to Dismiss Travis Portfolio, LLC's, Oliphant Financial, LLC's and Collins Asset Group, LLC's Proofs of Claim* [ECF No. 46], requesting, on an agreed basis, that the court continue the Motion to Dismiss Hearing to allow the parties additional time to memorialize the salient terms of the settlement and prepare and file a motion seeking court approval of a settlement agreement. On August 22, 2019, the Court entered an order [ECF No. 48], granting Plaintiffs' request and continuing the Motion to Dismiss Hearing to August 27, 2019, at 10:00 a.m.

8. On August 20, 2019, Plaintiffs filed the Settlement Motion, seeking entry of an order authorizing and approving the settlement agreement entered into among the Plaintiffs and the Travis Parties. If the Settlement Motion is approved and all parties comply with the conditions

set forth in the underlying settlement agreement, Plaintiffs and the Travis Parties intend to jointly move for dismissal of this adversary proceeding.

9. In light of the fact that the Settlement Motion is pending before the Court, Plaintiffs submit that a further continuance of the Motion to Dismiss Hearing is warranted to allow time for the Court to hear and consider the Settlement Motion. Therefore, Plaintiffs respectfully request that the Court continue the Motion to Dismiss Hearing to a date to be determined by further order of the Court following entry of an order regarding the Settlement Motion.

10. This Motion is filed in good faith and not for any dilatory purpose. Plaintiffs certify that the Travis Parties have consented to the continuance as set forth herein.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order substantially in the form attached hereto, (i) granting this Motion, (ii) continuing the Motion to Dismiss Hearing, and (iii) granting such other and further relief as this Court deems just and proper.

Dated: August 23, 2019

Respectfully submitted,

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Case No. 18-19121-RBR
Adv. Case No. 19-01072-RBR

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*Counsel for 1 Global Capital LLC
and 1 West Capital LLC*

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2019, I electronically filed the foregoing documents with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day via transmission of Notice of Electronic Filing generated by CM/ECF on all counsel of record or *pro se* parties who are authorized to receive electronically Notices of Electronic Filing in this bankruptcy case.

/s/ John R. Dodd

John R. Dodd, Esq.

Electronic Mail Notice List

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

G. Steven Fender steven.fender@fender-law.com; lm910@aol.com

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Manual Notice List

The following is the list of **parties** who are **not** on the list to receive email notice/service for this case (who therefore require manual noticing/service).

(1) Christopher P. Hahn
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110 East Broward Blvd.
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Counsel for Collins Asset Group, LLC

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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Chapter 11

Case No. 18-19121-RBR

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**ORDER GRANTING PLAINTIFFS' THIRD AGREED *EX PARTE*
MOTION TO CONTINUE HEARING REGARDING MOTION TO DISMISS
TRAVIS PORTFOLIO, LLC'S, OLIPHANT FINANCIAL LLC'S
AND COLLINS ASSET GROUP, LLC'S PROOFS OF CLAIM**

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THIS MATTER having come before the Court upon *Plaintiffs' Third Agreed Ex Parte Motion to Continue Hearing Regarding Motion to Dismiss Travis Portfolio, LLC's, Oliphant Financial LLC's and Collins Asset Group, LLC's Proofs of Claim* [ECF No. ____] (the "**Motion**") to continue the hearing scheduled for August 27, 2019, at 10:00 a.m. (the "**Hearing**") on the *Motion to Dismiss Travis Portfolio, LLC's, Oliphant, LLC's, and Collins Asset Group, LLC's Proofs of Claim* [ECF No. 31] (the "**Motion to Dismiss**").

The Court, having reviewed the Motion and the file and having noted the agreement of the parties, finds good and sufficient cause exists to grant the relief requested. Accordingly, it is

ORDERED as follows:

1. The Motion is **GRANTED**.
2. The Hearing on the Motion to Dismiss is continued to a date to be determined by further order of the Court following entry of an order regarding the Settlement Motion.

#

Submitted by:

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*Counsel for the Debtors
and Debtors-in-Possession*

(John R. Dodd, Esq. is directed to serve copies of this Order upon all interested parties and to file a Certificate of Service with the Court.)