

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
www.flsb.uscourts.gov**

In re:

Chapter 11

1 Global Capital LLC, *et al.*,¹
Debtors.

Case No. 18-19121-RAM
(Jointly Administered)

1 Global Capital LLC,

Adv. Case No. 19-01717-RAM

Plaintiff,

v.

Ikonic Dance Atlanta Inc. and Dennis
Wimberly,

Defendants.

**PLAINTIFF'S EX PARTE VERIFIED MOTION FOR ENTRY OF CLERK'S DEFAULT
AGAINST DEFENDANT DENNIS WIMBERLY**

Plaintiff 1 Global Capital LLC, pursuant to Rule 55 of the Federal Rules of Civil Procedure, made applicable to this proceeding by Rule 7055 of the Federal Rules of Bankruptcy Procedure, and Local Rule 7055-1, moves for entry of a clerk's default against Defendant, Dennis Wimberly ("Defendant"), and in support thereof states:

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.

Background

1. On October 4, 2019, Plaintiff filed a Complaint (the “Complaint) against Defendant.
2. On October 7, 2019: (a) the Clerk of the Court issued a *Summons and Notice of Pretrial/Trial in an Adversary Proceeding* informing Defendant that he was required to file a response or answer to the Complaint within 30 days after issuance of the Summons - by November 6, 2019 (ECF No. 2) (the “Summons”); and (b) the Court entered its *Order Setting Filing and Disclosure Requirements for Pretrial and Trial* (the “Pretrial Order”).
3. On October 11, 2019, Plaintiff served a copy of the: (a) Complaint, (b) Summons; and (c) Pretrial Order on the Defendant.
4. As of the filing of this Motion, no response has been filed to the Complaint.
5. Accordingly, the Plaintiff seeks entry of a Clerk’s Default against Defendant for failure to timely respond to the Complaint.

WHEREFORE, Plaintiff requests that the Clerk of the Court enter a Default against Defendant, Dennis Wimberly, for failure to timely respond to the Complaint.

LR 7055 Verification

I HERBY CERTIFY, under penalty of perjury, that I have not received any written response in the above-styled case from the party against whom a default is sought and that such Defendant, if an individual is not a member of the military services.

Respectfully Submitted,

PERLMAN, BAJANDAS, YEVOLI &
ALBRIGHT, P.L.

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Possession*

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By: /s/ Jonathan S. Feldman

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing has been served
this 7th day of February 2020.

By: /s/ Jonathan S. Feldman

VIA U.S. MAIL

Dennis Wimberly
870 Mayson Turner Road NW, #1142
Atlanta, GA 30314-3433