

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

In re:

1 GLOBAL CAPITAL LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 18-19121-RAM

(Jointly Administered)

**NOTICE OF FILING DECLARATION OF COURTNEY BANNAN
IN SUPPORT OF THE LIQUIDATING TRUSTEE'S OBJECTION
TO CLAIM NO. 551 FILED BY A TOP LINE CHARTER, LLC AND DIDAR SINGH**

The Liquidating Trustee hereby gives notice of filing the attached *Declaration of Courtney Bannan in Support of the Liquidating Trustee's Objection to Claim No. 551 Filed by A Top Line Charter, LLC and Didar Singh* (the "**Declaration**"). The Liquidating Trustee files the Declaration as evidentiary support for the Liquidating Trustee's Objection to Claim No. 551 Filed by A Top Line Charter, LLC and Didar Singh [ECF No. 1640]. *See Order Setting Further Hearing and Briefing Schedule on Objection to A Top Line Charter, LLC's Proof of Claim ¶ 2* [ECF No. 2190].

DATED: February 19, 2020

/s/ Scott A. Stichter

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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 GC Collections, c/o Development Specialists, Inc., 500 West Cypress Creek Road, Suite 400, Fort Lauderdale, Florida 33009 (9517); and 1 West Collections, c/o Development Specialists, Inc., 500 West Cypress Creek Road, Suite 400, Fort Lauderdale, Florida 33009 (9517).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by transmission of a *Notice of Electronic Filing* generated by CM/ECF upon those counsel or parties who are authorized to receive electronic notice in these jointly administered cases on this 19th day of February, 2020, and/or by U.S. Mail and/or by email to:

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In re:

Chapter 11

1 GLOBAL CAPITAL LLC, et al.,

Case No. 18-19121-RBR

Debtors.

Jointly Administered

**DECLARATION OF COURTNEY BANNAN
IN SUPPORT OF THE LIQUIDATING TRUSTEE'S OBJECTION TO
CLAIM NO. 551 FILED BY A TOP LINE CHARTER, LLC AND DIDAR SINGH**

I, Courtney Bannan, declare as follows:

1. I am the former general counsel of 1 Global Capital, LLC and 1 West Capital, LLC (collectively, "**1 Global**").
2. I am a member in good standing of The Florida Bar, am duly authorized to practice law in the State of Florida.
3. Unless otherwise stated, this Declaration is based upon facts of which I have personal knowledge.
4. I became employed by 1 Global as general counsel beginning in October or November 2017, and continuing through 1 Global's bankruptcy filing on July 27, 2018 (the "**Petition Date**"). I resigned from 1 Global soon after the Petition Date.
5. Prior to my employment as 1 Global's general counsel, a single in-house attorney—Steven Zakharyayev, Esq.—oversaw all collection lawsuits on behalf of 1

Global. 1 Global typically did not utilize outside counsel, preferring to handle most litigation through its in-house counsel.

6. Prior to my employment as 1 Global's general counsel, my understanding is that Mr. Zakharyayev was the sole attorney responsible for monitoring pending lawsuits involving 1 Global, including response deadlines.

7. Mr. Zakharyayev abruptly resigned from 1 Global in September 2017.

8. After Mr. Zakharyayev's resignation, 1 Global was left without any in-house counsel for approximately one month until I was hired by 1 Global. During that time, 1 Global did not have any representation in pending lawsuits involving 1 Global.

9. When Mr. Zakharyayev resigned, he failed to file motions to withdraw from pending litigation cases and failed to change the designated noticing email addresses in pending litigation cases, including in the case of 1 West Capital LLC vs. A Top Line Charters et al., Case No. 17006947-CA pending in the Circuit Court for the 17th Judicial Circuit, Broward County (the "**State Court Case**").

10. Because Mr. Zacharyayev was solely responsible for monitoring pending lawsuits involving 1 Global, his abrupt resignation frustrated 1 Global's ability to monitor litigation and pending deadlines. Further, after my employment, I was unable to obtain Mr. Zacharyayev's cooperation in gathering details on pending litigation involving 1 Global and was not made aware of the pending State Court Case.

11. Soon after I became employed by 1 Global, the company terminated the employment of Mr. Zacharyayev's former paralegal, Yvonne Novoa.

12. When I became employed by 1 Global, I was unaware of the pendency of the State Court Case or the pending deadline to file an answer to the Counterclaims and

Third-Party Complaint (the “**Counterclaim**”) filed by A Top Line Charters and Didar Singh (collectively, “**ATLC**”). The pending deadline to respond to the Counterclaim was not calendared on any ascertainable calendaring system or noted in any litigation tracking system.

13. Between the time of Mr. Zacharyayev’s resignation and ATLC’s filing of its Motion for Entry of Judicial Default (the “**Motion for Default**”) on May 9, 2018, no activity occurred in the State Court Case.

14. When the Motion for Default was filed, 1 Global did not receive a copy of the pleading because Mr. Zacharyayev failed to change the designated noticing email address for the case. I was unaware of the pendency of the State Court Case or the deadline to respond to the Counterclaim.

15. I only became aware of the pendency of the State Court Case because on June 5, 2018, a colleague passed by the courtroom where the hearing on the Motion for Default was scheduled. She noticed the docket posted outside the courtroom reflected a hearing was taking place involving 1 Global. My colleague notified me, and I immediately researched the case and found that a hearing was held on the Motion for Default on June 5, 2018 and an *Order Granting Default and Default Final Judgment* was entered against 1 Global (the “**Default Judgment**”).

16. I immediately took action to vacate the Default Judgment. On June 8, 2018—only three days after the hearing on the Motion for Default—I filed, on behalf of 1 Global, a *Motion to Set Aside or for Relief from Default Judgment and to Reopen Case as Pending* (the “**Motion to Vacate**”).

17. On June 11, 2018, I filed *I West Capital, LLC and I Global Capital, LLC’s*

Proposed Answer and Affirmative Defenses to A Top Line Charter, LLC and Didar Singh's Counterclaim and Third-Party Complaint.

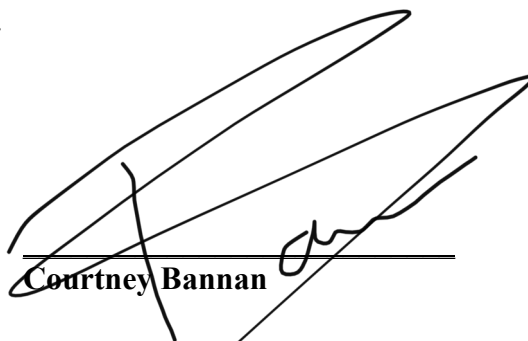
18. A hearing on the Motion to Vacate was never held in the State Court Case before 1 Global filed for bankruptcy relief, causing the State Court Case to be stayed.

19. I believe the failure of 1 Global to timely file an answer to the Counterclaim was the result of excusable neglect, as the resignation of Mr. Zacharyayev caused general upheaval in 1 Global's legal department and its ability to track pending legal matters and deadlines.

20. This concludes my Declaration.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, to the best of my knowledge and belief after diligent inquiry.

Executed on February __, 2020.



Courtney Bannan

Feb 19, 2020