

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
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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. 19-01896-RAM

Plaintiff,

v.

Lapage Enterprises, Inc. d/b/a 911
Restoration of CNY,

Defendants.

**PLAINTIFF'S EX PARTE VERIFIED MOTION FOR ENTRY OF CLERK'S DEFAULT
AGAINST DEFENDANT LAPAGE ENTERPRISES, INC. D/B/A 911 RESTORATION
OF CNY**

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, Lapage Enterprises, Inc. d/b/a 911 Restoration of CNY ("Defendant"), and in support thereof states:

¹ The Debtors in the 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 (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 November 22, 2019, Plaintiff filed a Complaint (the “Complaint) against Defendant.
2. On January 22, 2020: (a) the Clerk of the Court issued an *Amended Summons and Notice of Pretrial/Trial in an Adversary Proceeding* informing Defendant that it was required to file a response or answer to the Complaint within 30 days after issuance of the Amended Summons - by February 21, 2020 (ECF No. 5) (the “Amended Summons”); and (b) the Court entered its *Order Setting Filing and Disclosure Requirements for Pretrial and Trial* (the “Pretrial Order”).
3. On January 24, 2020, the Clerk of the Court served a copy of the: (a) Complaint, (b) Amended 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, Lapage Enterprises, Inc. d/b/a 911 Restoration of CNY, 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.

*Special Litigation Counsel to the Debtors in
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 27th day of March 2020.

By: /s/ Jonathan S. Feldman

VIA U.S. MAIL

Lapage Enterprises, Inc. d/b/a 911 Restoration of CNY
c/o Melvin & Melvin PLLC,
217 South Salina Street
Syracuse, NY 13202-1501