

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
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| In re: | Chapter 11 |
| 1 Global Capital LLC, <i>et al.</i> , ¹ | Case No. 18-19121-RAM |
| Debtors. | (Jointly Administered) |
| <hr style="border: 0.5px solid black;"/> | |
| 1 Global Capital LLC, | Adv. Case No. 19-01370-RAM |
| Plaintiff, | |
| v. | |
| Empresas Torrado Inc. d/b/a Tortuguero Auto and Jose R. Rivera, | |
| Defendants. | |
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**PLAINTIFF’S *EX PARTE* MOTION FOR DEFAULT FINAL JUDGMENT AGAINST
EMPRESAS TORRADO INC. D/B/A TORTUGUERO AUTO AND JOSE R. RIVERA**

Plaintiff 1 Global Capital LLC seeks entry of a Default Judgment against Defendants Empresas Torrado Inc. d/b/a Tortuguero Auto (“Merchant”) and Jose R. Rivera (“Guarantor”) (together, “Defendants”) and in support thereof states as follows:

Background

1. On December 11, 2019, the Clerk of the Bankruptcy Court entered a Clerk’s Default against the Defendants (D.E. 12 and D.E. 13), and thus, all factual allegations set forth in

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, c/o Development Specialists, Inc.: 500 West Cypress Creek Road, Suite 400, Fort Lauderdale, FL 33009 (9517); and 1 West Capital LLC, d/b/a 1 West Collections, c/o Development Specialists, Inc.: 500 West Cypress Creek Road, Suite 400, Fort Lauderdale, 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.

the Complaint are deemed admitted.

2. Defendants have not filed any papers in opposition to entry of Clerk's Default against them or otherwise taken any action in this case to defend against the claims set forth in the Complaint.

3. Plaintiff is entitled to the relief requested in the Complaint and a default final judgment should be entered against Defendants. Pursuant to Fed. R. Civ. P. 55 and LR-7055, the affidavit of Al Beutel, signed under penalty of perjury pursuant to 28 U.S.C. § 1746, calculating the damages sought is attached as **Exhibit A** and is incorporated by reference.

Requested Relief

4. Plaintiff requests the Court enter Default Final Judgment against Defendants, Empresas Torrado Inc. d/b/a Tortuguero Auto and Jose R. Rivera, in the amount of \$199,876.70 together with post-judgment interest at the statutory rate.

WHEREFORE, Plaintiff requests the Court: (i) grant this Motion; (ii) enter a Default Final Judgment against Defendants and (iii) grant such other and further relief as this Court deems just and proper.

Respectfully Submitted,
PERLMAN, BAJANDAS, YEVOLI &
ALBRIGHT, P.L.
*Special Litigation Counsel to the Debtors in
Possession*
283 Catalonia Avenue, Suite 200
Miami, Florida 33134
Telephone: 305.377.0086
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By: /s/ Jonathan S. Feldman
Jonathan S. Feldman
Florida Bar No. 12682
jfeldman@pbyalaw.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing has been served this 22nd day of April 2020.

By: /s/Jonathan S. Feldman

VIA U.S. MAIL

Jose R. Rivera
P.O. Box 16436
San Juan, PR 00908

VIA U.S. MAIL

Empresas Torrado Inc. d/b/a Tortuguero Auto
Attn.: Mariesol Betancourt Algarin, RA
Bo. Algarrobo Car. 2 KM 41.5
Vega Baja, Puerto Rico 00693

merchant cash advance agreement that is the subject of this lawsuit is attached as an exhibit to the Complaint.

2. I have reviewed Plaintiff's *Ex Parte* Motion for Default Final Judgment (the "Motion for Default"). I have also reviewed the books and records of Plaintiff with respect to the merchant cash advance agreement that is the subject of this litigation.


3. Pursuant to the books and records of Plaintiff, the amount of \$199,876.70 is owed to Plaintiff with respect to the merchant cash advance agreement.

4. This Affidavit is made upon my knowledge and the purpose of this Affidavit is to support the relief sought in the Motion for Default Final Judgment.

FURTHER AFFIANT SAYETH NAUGHT.

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

APR, 17, 2020


Al Beutel