

**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

Case No. 18-19121-RAM

Debtors.

(Jointly Administered)

1 Global Capital LLC ,

Adv. Case No. 19-01389-RAM

Plaintiff,

v.

Cool Hand Entertainment LLC d/b/a
Ybor City Jazz House and Eric
Fleming,

Defendants.

**PLAINTIFF'S *EX PARTE* MOTION FOR DEFAULT FINAL JUDGMENT AGAINST
COOL HAND ENTERTAINMENT LLC D/B/A YBOR CITY JAZZ HOUSE AND ERIC
FLEMING**

Plaintiff 1 Global Capital LLC seeks entry of a Default Judgment against Defendants Cool Hand Entertainment LLC d/b/a Ybor City Jazz House ("Merchant") and Eric Fleming ("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, Cool Hand Entertainment LLC d/b/a Ybor City Jazz House and Eric Fleming, in the amount of \$76,731.58 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
Facsimile: 305.377.0781
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

Eric Fleming
211 Orange Mill Ave
Ruskin, FL 33570-6354

VIA U.S. MAIL

Cool Hand Entertainment LLC
d/b/a Ybor City Jazz House
1611 East 7th Avenue
Tampa, FL 33605

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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In re:

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

Chapter 11

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

1 Global Capital LLC,

Adv. Case No. 19-01389-RAM

Plaintiff,

v.

Cool Hand Entertainment LLC d/b/a
Ybor City Jazz House and Eric
Fleming,

Defendants.

**AFFIDAVIT OF AL BEUTEL IN SUPPORT OF PLAINTIFF'S *EX PARTE* MOTION
FOR DEFAULT FINAL JUDGMENT AGAINST DEFENDANTS, COOL HAND
ENTERTAINMENT LLC D/B/A YBOR CITY JAZZ HOUSE AND ERIC FLEMING**

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

I, Al Beutel, Director of Collections for Plaintiff, state:

1. Plaintiff commenced the instant adversary proceeding upon filing of a
Complaint against Defendants with respect to a merchant cash advance agreement in which

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Defendants failed to pay all amounts due and owing under the terms of the contract. The 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 \$76,731.58 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