

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. 19-01896-RAM

Plaintiff,

v.

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

Defendant.

**PLAINTIFF'S *EX PARTE* MOTION FOR DEFAULT FINAL JUDGMENT AGAINST
LAPAGE ENTERPRISES, INC. D/B/A 911 RESTORATION OF CNY**

Plaintiff 1 Global Capital LLC seeks entry of a Default Judgment against Defendant Lapage Enterprises, Inc. d/b/a 911 Restoration of CNY ("Defendant") and in support thereof states as follows:

Background

1. On March 27, 2020 Clerk of the Bankruptcy Court entered a Clerk's Default against Defendant (D.E. 10), and thus, all factual allegations set forth in the Complaint are deemed

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.

admitted.

2. Defendant has not filed any papers in opposition to entry of Clerk's Default against it 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 Defendant. 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.

4. Pursuant to the merchant cash advance agreement between the parties that is attached as an exhibit to the complaint, Plaintiff is entitled to recover its costs and attorney's fees in the commencement and prosecution of this action.

5. Pursuant to a hybrid fee arrangement between Plaintiff and undersigned counsel, Plaintiff agreed to pay undersigned counsel a fee of \$500 for the commencement and prosecution of this action. See *In re 1 Global Capital LLC, et al.*, Case No. 18-19121, ECF Nos. 327 & 389 (Bankr. S.D. Fla.).

6. Pursuant to Fed. R. Bankr. P. 7054, Plaintiff seeks to recover its taxable costs in filing this action and the attorney's fees it incurred in filing and prosecuting this action in the amount of \$500.

Requested Relief

7. Plaintiff requests the Court enter Default Final Judgment against Defendant, Lapage Enterprises, Inc. d/b/a 911 Restoration of CNY, in the amount of \$93,785.25 together with attorney's fees in the amount of \$500.00 and post-judgment interest at the statutory rate and award all taxable costs.

WHEREFORE, Plaintiff requests the Court: (i) grant this Motion; (ii) enter a Default Final Judgment against Defendant; (iii) award Plaintiff attorney's fees in the amount of \$500; (iv) award Plaintiff's taxable costs and (v) 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
27th day of May 2020.

By: /s/Jonathan S. Feldman

VIA U.S. MAIL

Lapage Enterprises, Inc.
c/o Melvin & Melvin PLLC
217 South Salina Street
Syracuse, NY 13202-1501

EXHIBIT "A"

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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)
_____ /	
1 Global Capital LLC,	Adv. Case No. 19-01896-RAM
Plaintiff,	
v.	
Lapage Enterprises, Inc. d/b/a 911 Restoration of CNY,	
Defendant.	
_____ /	

**AFFIDAVIT OF AL BEUTEL IN SUPPORT OF PLAINTIFF'S EX PARTE MOTION
FOR DEFAULT FINAL JUDGMENT AGAINST DEFENDANT, LAPAGE
ENTERPRISES, INC. D/B/A 911 RESTORATION OF CNY**

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

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Complaint against Defendant with respect to a merchant cash advance agreement in which Defendant 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 \$93,785.25 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.

May 22, 2020


Al Beutel