

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
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In re:
1 GLOBAL CAPITAL LLC, *et. al.*,¹

CASE NO.: 18-19121-BKC-RAM
CHAPTER 11

(Jointly Administered)

Debtors.

RAPID FINANCIAL SERVICES, LLC,

Plaintiff,

ADV. CASE NO.: 19-01497-RAM

v.

JOSEPH GARCIA,

Defendant.

**AGREED *EX PARTE* MOTION TO CONTINUE PRETRIAL
CONFERENCE AND EXTEND RELATED DEADLINES**

Plaintiff, Rapid Financial Services (the “Plaintiff” or “Rapid Financial”), through undersigned counsel and pursuant to Local Rules 7090-1 and 9013-1(C)(8), moves (the “Motion”) to continue the pretrial conference scheduled for February 11, 2021 at 2:00 p.m. (the “Pretrial Conference”), and to extend all related pretrial deadlines set forth in this Court’s *Order Setting Filing and Disclosure Requirements for Pretrial and Trial* [ECF No. 3], and in support thereof states:

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.

1. On September 13, 2019, 1 Global Capital LLC filed the complaint [ECF No. 1](the “Complaint”), which initiated the instant adversary proceeding.

2. On November 19, 2019, the Court entered its *Order on Plaintiff’s Ex Parte Motion for Dismissal of Party Defendant American Forklift Rental & Supply LLC* [ECF No. 15], leaving Joseph Garcia as the only remaining defendant.

3. On October 16, 2020, James S. Cassel, in his capacity as liquidating trustee (the “Liquidating Trustee”) of the 1 GC Collections Creditors’ Liquidating Trust (the “Trust”), filed his *Motion for Approval of (I) Procedures for Sale of Portfolio, Including Stalking Horse Bid Protections; and (II) Sale of Portfolio Other Than in the Ordinary Course of Business Free and Clear of Claims and Interests* [Main Case, ECF No. 2388](the “Sale Motion”).

4. On December 17, 2020, the Court entered its *Order Approving (A) Sale of Assets Other Than in the Ordinary Course of Business Free and Clear of Liens and (B) Granting Related Relief* [Main Case, ECF No. 2437](the “Sale Order”), which approved and authorized the sale of the Purchased Assets (as defined in the Asset Purchase Agreement attached to the Sale Order) to Rapid Financial, and required Rapid Financial to substitute into this proceeding as the Plaintiff.

5. On January 21, 2021, the Court entered its *Order Granting Rapid Financial Services, LLC’s Ex Parte Motion to Substitute Plaintiff Pursuant to Sale Order* [ECF No. 24](the “Substitution Order”).

6. Since its substitution into the case, Rapid Financial has been familiarizing itself with the case, and has been advised that there was a prior settlement agreement.

7. Defendant’s counsel is in the process of gathering the settlement paperwork, which may make the further prosecution of this case unnecessary.

8. Accordingly, the Plaintiff requests that the Pretrial Conference be continued for 60 days.

9. The Defendant agrees with the relief requested herein.

10. This extension is not being requested for the purpose of delay.

11. This is Plaintiff's first request for a continuance of the Pretrial Conference since being substituted into the case.

12. Pursuant to Local Rule 5005-1(G), a proposed Order accompanies this Motion.

WHEREFORE, Plaintiff, Rapid Financial Services, LLC, respectfully requests that this Court enter an Order: (i) continuing the Pretrial Conference for a period of 60 days; (ii) extending the corresponding deadlines set forth in this Court's *Order Setting Filing and Disclosure Requirements for Pretrial and Trial*; and (iii) granting such other and further relief as this Court deems just and proper.

Respectfully submitted,

MARKOWITZ RINGEL TRUSTY & HARTOG, P.A.

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By: /s/ Alan R. Rosenberg

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on February 3, 2021 via the Court's CM/ECF to all interested parties registered to receive electronic noticing in this case, as noted on the attached Service List.

By: /s/ Alan R. Rosenberg
ALAN R. ROSENBERG

SERVICE LIST

Electronic Mail Notice Service List

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- **Jonathan S. Feldman** feldman@katiephang.com, service@katiephang.com
- **Melissa Youngman** melissayoungman@melissayoungman.com, melissayoungman@mac.com

Via U.S. Mail

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