

IN THE THIRD DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Third District Case No. 3D2024-1366
Lower Court Case No. 2024-008942-CA-01

CARIBBEAN SUN AIRLINES, INC.
d/b/a WORLD ATLANTIC AIRLINES,
INC. and MIAMI AIR
INTERNATIONAL, INC.

Appellants,

vs.

HALEVI ENTERPRISES, LLC

Appellee.

**APPELLANTS' RESPONSE IN OPPOSITION TO APPELLEE'S MOTION
FOR EXTENSION OF TIME TO FILE A RESPONSE TO APPELLANTS'
VERIFIED EMERGENCY MOTION FOR ORDER TO SHOW CAUSE**

Appellants' object to the granting of Appellee's motion for extension of time to file a response to Appellants' emergency motion for order to show cause since Appellants have been affected by the Receiver's actions each passing day. For example, today, the Receiver's counsel has filed a motion for clarification in the lower Florida court requesting the entry of a "clarifying" order authorizing the Receiver, the Receiver's consultants such as the airline repossession firm Sage Popovich, Inc., and the Receiver's attorneys to be compensated by the Receivership assets instead of by Appellee. To make matters worse, the foregoing motion fails to

provide any amounts for each category of requested compensation. *See* a true and correct copy of the Receiver's Motion for Clarification attached hereto as Exhibit A.

Appellants' motion was filed on an emergency basis and should be treated as such. Appellee has had more than ten days to respond to the emergency motion, since the entry of this Court's order on September 20, 2024. The Receiver has reassumed his role as of September 16, 2024, and to date, the Appellants have not seen a single report from the Receiver as required by the Receiver order at issue since the Receiver has requested an extension of time. Similarly, Appellants have not reviewed any certificate of indebtedness showing the sums advanced by the Appellee to the Receiver as expressly required by the Receiver order. For the past ten-plus days, Appellants have lost numerous invaluable employees and continue to suffer harm each passing day. This Court's original order requiring a response within ten days, which actually turned out to be more than ten days via the intricacies of the time computation rules, was more than adequate for a response.

WHEREFORE, Appellants respectfully request that this Honorable Court deny Appellee's motion for extension of time which was filed in the evening of the Court ordered deadline.

Dated: October 3, 2024.

Respectfully submitted,

/s/ Aileen M. Carpenter
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Certificate of Service

I certify that a copy of the foregoing has been furnished via electronic mail to Appellee's counsel, Brian Dervishi, Esquire, Weissman & Dervishi, P.A., 1 SE 3rd Avenue, Suite 1700, Miami, Florida 33131 at brian@wdpalaw.com; and Receiver's counsel, Steven Solomon, Esquire, Gray Robinson, 333 SE 2nd Avenue, Ste. 3200, Miami, FL 33131 at Steven.Solomon@gray-robinson.com on October 3, 2024.

/s/ Aileen M. Carpenter _____

EXHIBIT A

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI DADE COUNTY, FLORIDA

HALEVI ENTERPRISES, LLC

CIVIL DIVISION

Plaintiff,

CASE NO. 2024-008942-CA-01

SECTION: CA22

vs.

CARIBBEARN SUN AIRLINES, INC. d/b/a
WORLD ATLANTIC AIRLINES INC., and
MIAMI AIR INTERNATIONAL, INC.

Defendants.

RECEIVER'S MOTION FOR CLARIFICATION OF RECEIVERSHIP ORDER

F. Darrell Richardson, in his capacity as receiver (the "Receiver"), hereby seeks clarification of this Court's *Order Appointing F. Darrell Richardson as Receiver*, dated July 30, 2024 (the "Receivership Order"). In support of this Motion, the Receiver states as follows:

1. Pursuant to the Receivership Order, the Receiver "shall submit a monthly invoice to Judgment Creditor within twenty (20) days after the end of each calendar month, and subject to its right to object, Judgment Creditor shall *initially* be responsible for compensating the Receiver and his professionals." *Receivership Order* at par. 14. (emphasis added).

2. The Receivership Order specifically granted the Receiver the authority to retain Sage-Popovich, Inc. "to assist him in the performance of his duties as Receiver." *Receivership Order* at par. 1. The Receiver is also authorized to hire and employ attorneys, accountants and other professionals "...as the Receiver deems necessary to carry out the rights and powers herein granted and his responsibilities under this Order." *Receivership Order* at par. 6.

3. The Receiver has retained Gray Robinson, P.A. as his legal counsel. In addition, the Receiver anticipates retaining a firm of Certified Public Accountants to perform a financial statement audit required in the operation of the business. Even though Receivership Order

provides for the dismissal of Judgement Debtors' attorneys, the Receiver also continues to work with certain professionals previously retained by the Judgement Debtors when appropriate. *Receivership Order* at par. 6.

4. Considering the instruction that the Judgment Creditor shall *initially* be responsible for compensating the Receiver and his agents, it is unclear as to whether and when the Receiver can pay himself and his professionals from the Receivership Assets.

5. According to the Receivership Order, the Receivership Assets consist of "all of the personal property and assets including without limitation the accounts receivable, and inventory of Judgment Debtors, of whatever kind, now existing and hereafter arising, wherever located, including the property more particularly described on Exhibit A" of the Receivership Order. This includes all bank accounts. *Receivership Order* at par. 1.

6. By this motion, the Receiver seeks a clarifying order concerning the payment of fees to professionals and other agents from the Receivership Assets.

WHEREFORE, the Receiver respectfully requests an order clarifying whether and when the Receiver can compensate himself and his agents and professionals from the Receivership Assets and for such other and further relief as this Court deems just and proper.

Dated: October 3, 2024

Respectfully submitted,

/s/ Steven J. Solomon

Steven J. Solomon

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Counsel for F. Darrell Richardson, as Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 3, 2024, undersigned counsel has electronically filed the foregoing document with the Clerk of the Court using the Florida Courts E-Portal. Pursuant to Fla. R. Jud. Admin. 2.516, I also certify that the foregoing document has been furnished to all counsel of record or pro se parties identified herein either via transmission of Notices of Service of Court Document generated by the E-Portal or in some other authorized manner for those counsel or parties who are excused from e-mail service.

/s/ Steven J. Solomon
Steven J. Solomon