

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

In Re:

**ProCom America, LLC d/b/a
Beyond Band of Brothers d/b/a
BBOB**

Case No.: 8:20-03522-MGW

Chapter 7 Case

Debtors.

**TRUSTEE'S APPLICATION FOR
ORDER APPROVING EMPLOYMENT OF
SONEET R. KAPILA AND KAPILAMUKAMAL, LLP
AS FORENSIC ACCOUNTANT AND FINANCIAL EXPERT**

Douglas N. Menchise, as Chapter 7 Trustee ("Trustee"), by and through his undersigned counsel, and pursuant to 11 U.S.C. § 327 and Rule 2014 of the Federal Rules of Bankruptcy Procedure, and other applicable law, applies to this Court for an Order approving the employment of Soneet R. Kapila and KapilaMukamal, LLP (collectively "KapilaMukamal") as forensic accountant and financial expert to the Trustee, and in support states as follows:

1. On May 1, 2020, Procom American, LLC dba Beyond Band of Brothers dba BBOB (the "**Debtor**") filed their Voluntary Petition for relief under Chapter 7 of Title 11 of the United States Code.
2. On May 4, 2020, Douglas N. Menchise ("Trustee") was appointed as Chapter 7 Trustee.
3. The Trustee seeks authority pursuant to 11 U.S.C. § 327 to employ Soneet R. Kapila and KapilaMukamal as forensic accountant and financial expert for the purpose of assisting the Trustee in determining what happened to substantial amounts of Debtor cash in conjunction with the contractual relationships at issue in order to recover and collect any funds belonging to the

estate.

4. The Trustee believes Soneet R. Kapila and KapilaMukamal, LLP are best equipped to provide the forensic accounting and financial expertise needed by the Trustee to assist with the litigation at issue in the above-styled case and related adversary proceedings.

5. As more fully set forth in the Verified Statement of Soneet R. Kapila in Support of this Application, attached hereto as **Exhibit A**, and to the best of the Trustee's knowledge, the only connections between the Debtor and KapilaMukamal are as follows.

6. KapilaMukamal has no connection with any party in interest, their respective attorneys and accountants, the United States Trustee, or anyone employed in the Office of the United States Trustee.

7. Furthermore, KapilaMukamal represents no interest adverse to the Trustee and any connection KapilaMukamal may have to any creditors is not in conflict with KapilaMukamal's anticipated retention as a forensic accountant and financial expert, in that KapilaMukamal will assist in identifying and tracking property belonging to the estate and supporting litigation needs.

8. The Trustee will not make any payment to KapilaMukamal for professional services or expenses incurred without first obtaining an Order authorizing such payment from the Court.

WHEREFORE, Douglas N. Menchise, as Chapter 7 Trustee, respectfully requests that this Court enter an Order authorizing the employment of Soneet R. Kapila and KapilaMukamal,

LLP as forensic accountant and financial expert to the Trustee, and providing all further relief to which the Trustee is entitled.

Respectfully submitted,

By: /s/ Douglas N. Menchise
Douglas N. Menchise
As Chapter 7 Trustee

SHUMAKER, LOOP & KENDRICK, LLP

By: /s/ Steven M. Berman
Steven M. Berman, Esquire
Florida Bar No.: 856290
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sberman@shumaker.com
*Attorney for the Douglas N. Menchise,
Chapter 7 Trustee*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 22, 2021, the foregoing was furnished via CM/ECF notice to all counsel of record and by U.S. Mail to the following:

U.S. Trustee
United States Trustee – TPA 7/13
501 E. Polk Street, Suite 1200
Tampa, Florida 33602
Via US Mail

Soneet R. Kapila
KapilaMukamal, LLP
1000 South Federal Highway, Suite 200
Fort Lauderdale, FL 33316

Procom America, LLC *dba* Beyond Band of
Brothers *dba* BBOB
c/o Alberto F. Gomez, Jr.
400 N. Ashley Drive
Suite 1010
Tampa, FL 33602
Via US Mail

/s/ Steven M. Berman
Steven M. Berman, Esquire

All Creditors that have filed claims on the
attached mailing matrix.

EXHIBIT A

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA, TAMPA DIVISION

In Re:

Case No. 8:20-bk-03522-MGW

Procom America, LLC,

Debtor. /

VERIFIED STATEMENT

STATE OF FLORIDA)
COUNTY OF BROWARD)

SONEET R. KAPILA, being duly sworn, states:

1. I am a duly licensed certified public accountant in the State of Florida and a shareholder of the independent public accounting firm of KapilaMukamal, LLP ("KM"), 1000 South Federal Highway, Suite 200, Fort Lauderdale, FL 33316. I am familiar with the matters set forth herein and make this affidavit in support of the application for approval of KM as accountants for the Trustee.

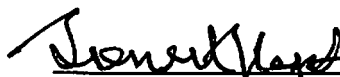
2. The Trustee has requested KM to represent him for the reasons stated in the said application.

3. While employed by the Trustee, KM will not represent any other entity having an adverse interest in connection with the case and we are disinterested persons as required by 11 U.S.C. 327(a). To the best of my knowledge, KM does not have nor has it had any connection with the Debtor, its affiliates, creditors and any of their attorneys or accountants in matters related to this case or with any person employed in the office of the U.S. Trustee, as required by Fed. R. Bank, 2014.

4. Soneet R. Kapila and Barry E. Mukamal, both partners of KM, are both members of the Chapter 7 Panel of Trustees in the Southern District of Florida. Soneet R. Kapila is also in the pool of the Sub Chapter V Trustees. Should I or the firm become notified of any conflicts asserted by a party with which the firm has a relationship, I will notify this Court immediately.

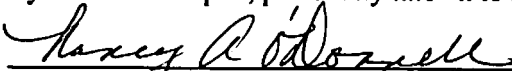
5. KM is otherwise well-qualified to serve as accountants for the Trustee for the purpose required. KM has been retained as accountants and financial consultants to render professional services to trustees, debtors, creditors, creditors' committees, and others in numerous bankruptcy matters. Soneet R. Kapila is also a Certified Insolvency & Restructuring Advisor (CIRA), Certified in Financial Forensics (CFF) and is a Certified Fraud Examiner (CFE).

FURTHER AFFIANT SAYETH NAUGHT.


Soneet R. Kapila, CPA, CFF, CIRA, CFE

THE FOREGOING INSTRUMENT was acknowledged before me via ☒ physical presence OR ☐ online notarizations this 12th day of November, 2021.

By Soneet R. Kapila, personally known to me.


Notary Public, State of Florida

My commission expires: 6-30-2022

