

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

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

PROCOM AMERICA, LLC,

Chapter 7

Debtor.

**NOTICE OF FILING DEMAND FOR REPAYMENT OF
DEBTOR'S LOAN TO PETER GAAL IN FURTHER SUPPORT
OF CHAPTER 7 TRUSTEE, DOUGLAS N. MENCHISE'S,
OPPOSITION TO PETER GAAL'S *EMERGENCY* MOTIONS
FOR PROTECTIVE ORDER AND FOR STAY PENDING APPEAL
(Doc. Nos. 367 and 371)**

NOTICE IS HEREBY GIVEN that Douglas N. Menchise (the "Trustee"), Chapter 7 Trustee of the bankruptcy estate of Procom America, LLC (the "Debtor"), by counsel, has filed the attached letter dated June 21, 2021 seeking repayment of the Debtor's payable-on-demand loan to Peter Gaal in the amount of \$351,451.74 in further support of the Trustee's opposition to Peter Gaal's *Emergency* Motions For Protective Order and For Stay Pending Appeal (Doc. Nos. 365 and 368 – together, the "Emergency Motions").

Respectfully submitted,

FOX ROTHSCHILD LLP
Special Counsel to the Chapter 7 Trustee
2 South Biscayne Boulevard, Suite 2750
Miami, FL 33131
Telephone: (305) 442-6543
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By: /s/ Robert F. Elgidely
Robert F. Elgidely, Esq.
Florida Bar No. 111856
E-Mail: relgidely@foxrothschild.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 7, 2022, I electronically filed the foregoing *Notice Of Filing Demand For Repayment Of Debtor's Loan To Peter Gaal In Further Support Of Chapter 7 Trustee, Douglas N. Menchise's, Opposition To Peter Gaal's Emergency Motions For Protective Order And For Stay Pending Appeal (Doc. Nos. 367 and 371)* with the Clerk of the Court using the CM/ECF System. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this notice as service of this document by electronic means including Lynn W. Sherman, Esq., Trenam Kemker Scharf Barkin Frye O'Neill & Mullis, P.A., 200 Central Avenue, Suite 1600, St. Petersburg, FL 33701. A copy was also posted on the website <https://www.shumaker.com/beyond-band-of-brothers-bankruptcy> pursuant to the *Order Granting Trustee's Motion To Establish Certain Notice, Case Management And Administrative Procedures* entered on July 31, 2020 (Doc. 138).

By: /s/ Robert F. Elgidely
Robert F. Elgidely, Esq.



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June 21, 2021

Lynn W. Sherman, Esq.
Trenam Kemker Scharf Barkin Frye O'Neill & Mullis, P.A.
200 Central Avenue, Suite 1600
St. Petersburg, Florida 33701

Re: **Demand for Repayment of Loan**

In re Procom America, LLC, Case No. 8:20-bk-03522-MGW (Bankr. M.D. Fla.)

Dear Lynn:

On June 3, 2020, Peter Gaal signed Schedules (Doc. 70) on behalf of Procom America, LLC (the "**Debtor**"). At CM/ECF page 322 of the Schedules, a "Loan to Peter Gaal" is disclosed. The loan was in the total amount of \$351,451.74 and consisted of transfers from the Debtor (1) to Suit Supply for Mr. Gaal's benefit in the amount of \$1,451.74 on February 1, 2020 (or 90 days before the petition date); (2) to Mr. Gaal in the amount of \$250,000.00 on February 28, 2020 (or 63 days before the petition date); and (3) to Mr. Gaal in the amount of \$100,000.00 on March 10, 2020 (or 52 days before the petition date), (together, the "**Loan**"). Moreover, Mr. Gaal testified at the Meeting of Creditors that the Loan is payable on demand to the Debtor. Transcript, 17:13-18:24 (excerpts attached hereto).

This correspondence constitutes the Trustee's formal demand for repayment of the Loan. Please direct Mr. Gaal to immediately repay the Loan by means of a wire transfer to my firm's trust account as follows:

WIRING INSTRUCTIONS

Account: Fox Rothschild LLP IOLTA Attorney Trust Account
Wells Fargo

420 Montgomery Street
San Francisco, CA 94104
ABA # [REDACTED] (for wires)
Account # [REDACTED]

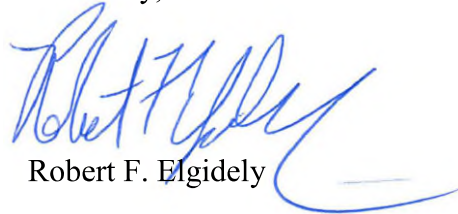


June 21, 2021

Page 2

In the event Mr. Gaal should fail or refuse to repay the Loan by July 2, 2021, the Trustee will have no choice but to pursue all rights available to him under applicable Florida, federal, or foreign law including through the initiation of garnishment or other proceedings to recover property of the Debtor's estate from whomever held and wherever located.

Sincerely,



Robert F. Elgidely

Encls.

cc: Douglas N. Menchise, Chapter 7 Trustee
Steven M. Berman, Esq.
David C. Cimo, Esq.

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

- - - - - x
IN RE: :
:
PROCOM AMERICA, LLC, : Case No. 8:20-bk-03522-MGW
d/b/a BEYOND BAND : Involuntary Chapter 7
OF BROTHERS; BBOB :
:
Debtor :
- - - - - x

TELEPHONE FIRST MEETING OF CREDITORS
Pursuant to Section 341

PETER GAAL
(Testifying from Hungary)

BEFORE: DOUGLAS MENCHISE, Esquire
Chapter 7 Interim Trustee

DATE: June 22, 2020

LOCATION: Office of the U.S. Trustee
501 East Polk Street
1st Floor Meeting Room
Tampa, Florida 33602

TYPIST: Kimberley S. Johnson, CVR-M
Certified Verbatim Reporter Master

**PROCEEDINGS DIGITALLY RECORDED BY OFFICE OF U.S. TRUSTEE
TRANSCRIPT PRODUCED BY TRANSCRIPTION SERVICE
APPROVED BY ADMINISTRATIVE OFFICE OF U.S. COURTS**

JOHNSON TRANSCRIPTION SERVICE
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(All via phone due to COVID crisis):

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(continued on next page...)

A P P E A R A N C E S (continued)
(All via phone due to COVID crisis):

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Also present: (100 people on the call.)

C O N T E N T S

| PETER GAAL | <u>Page</u> |
|--------------------------------------|-------------|
| Examination by Mr. Menchise | 9 |
| Examination by Mr. Berman | 36 |
| Examination by Mr. Skinner | 40 |
| Examination by Ms. DeGrave | 46 |
| Examination by Ms. Lyons | 48 |
| Examination by Mr. McHale | 56 |
| Examination by Mr. Levy | 57 |
| Examination by Mr. Selby | 58 |
| Examination by Mr. Racino (phonetic) | 62 |
| Examination by Mr. Pitino (phonetic) | 63 |
| Examination by Ms. Kimmel | 64 |
| Examination by Mr. Bench | 67 |
| Examination by Ms. Shepard | 71 |
| Examination by Mr. Everett | 74 |
| Examination by Mr. Boeldt | 77 |
| Examination by Mr. Miller | 77 |
| Examination by Ms. Accardi | 78 |
| Examination by Mr. Jenkins | 83 |
| Examination by Mr. Mountjoy | 87 |

1 Q Okay. Are there any accounts receivables that are
2 owed to Procom America, LLC?

3 A Are there any accounts receivable? Yes.

4 Q And approximately how much is owed to the company
5 and by how many people?

6 A Well, it's two or three companies owe the company
7 and it's about \$100,000 to \$200,000.

8 Q And who are the companies that owe this money to
9 Procom America, LLC and how much is the individual
10 obligation per company?

11 A Uhh, well, I -- that's what I have to look up. I
12 mean I don't remember that.

13 Q Okay. Now do you have a promissory note where you
14 personally owe the company some money?

15 A Yes. I have a loan from the company.

16 Q Okay. And what is the balance that you owe the
17 company and what are the payment terms, if any?

18 A What I owe the company is \$350,000. And, well,
19 what the company would say is that I have to pay back on
20 demand.

21 Q I'm sorry, you have to pay back -- how do you have
22 to pay this back, or when do you have to pay it back?

23 A There's no -- there's no deadline in the -- in the
24 document. There's an agreement about the loan. I think
25 it's attached to the document, what we already provided, and

1 so you can read it and -- but it says that, you know,
2 there's no deadline for paying back the money. It says that
3 I have to back on demand (audio breaking up).

4 Q Was that every month, did you say?

5 A Pardon me?

6 MALE SPEAKER: On demand.

7 MR. MENCHISE: On demand. Okay, now who said
8 that? Al?

9 MR. GOMEZ: No. This is -- we have somebody
10 commenting -- making comments on every -- almost every
11 question. Very distracting. I think someone's on a
12 cell phone and does not have a mute button on.

13 MR. MENCHISE: Yeah.

14 MR. GOMEZ: We can hear every comment.

15 MR. MENCHISE: Yeah. Please. Whoever is --

16 MALE SPEAKER: You do not have any way to
17 mute people, manually override them and mute them?

18 MR. MENCHISE: No, I don't. I'm sorry, I
19 don't.

20 MALE SPEAKER: Okay.

21 BY MR. MENCHISE:

22 Q But anyway, Mr. Gaal, did you say that it's
23 supposed to be paid monthly or on demand?

24 A On demand.

25 Q Okay, thank you. And your attorney has copies of