

**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-bk-03522-MGW
Chapter 7 Case

Debtor.

NOTICE OF FILING

Douglas N. Menchise, as Chapter 7 Trustee, by and through his undersigned counsel hereby gives notice of filing the attached Timeline, in further support of the Trustee's Motion for Civil Contempt and Sanctions, [ECF No. 427].

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 5, 2022, the foregoing was furnished via CM/ECF

service or U.S. Mail to:

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EXHIBIT “A”

**UNITED STATES BANKRUPTCY COURT
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**TIMELINE OF DISCOVERY ATTEMPTS,
COURT ENFORCEMENT AND CONTEMPT**

Douglas N. Menchise, as Chapter 7 Trustee (the “Trustee”), by and through his undersigned counsel, in further support of his Motion for Civil Contempt and Sanctions, [ECF No. 427], supplements the background information with the following:

Timeline Discovery Requests and Responses:

- May 1, 2020. Case filed as an involuntary. [ECF No. 1].
- May 8, 2020. Trustee appointed. [ECF No. 10].
- May 14, 2020. Trustee files Emergency Motion to Compel Turnover. [ECF No. 19].
- May 19, 2020. Lynn Sherman appears on behalf of Peter Gaal (“Gaal”) at the hearing on the Motion to Compel. [ECF No. 29].
- May 22, 2020. Court grants, in part, the Emergency Motion to Compel Turnover. [ECF No. 33].
- April 29, 2021. Trustee files Omnibus Notice of Fed. R. Bankr. P. 2004 Examinations for examination to occur on May 28, 2021 [ECF No. 260].
 - Examinees were: Gaal and corporate representatives of the Debtor, Procom Investments KFT, Procom Consulting KFT, Procom Consulting Utazasi IRODA KFT, and Procom Tours LLC (collectively, the “Examinees”).
- June 1, 2021, Trustee files Motion to Compel Rule 2004 Examinations Duces Tecum as a result of failure to appear at the scheduled May 28, 2021 examinations. [ECF No. 263].

- June 10, 2021. Court granted Trustee's Motion to Compel 2004 Examinations, compelling the Examinees to appear and produce documents. [ECF No. 265].
- June 16, 2021. Trustee files Motion to Compel Debtor's production of foreign bank records. [ECF No. 267].
- June 21, 2021. Trustee files Renewed Notice of 2004 Examination of the Examinees. [ECF No. 269].
- June 24, 2021. Gaal files Motion for Reconsideration of the June 10, 2021 Order compelling the Examinees to appear and produce documents. [ECF No. 272].
- July 14, 2021. Gaal files an Objection to Motion to Compel Debtor's Production of Foreign Bank Records. [ECF No. 285].
- August 5, 2021. Trustee files Notices of 2004 Examinations of Kevin Riggs, Renaissance Consulting & Development, LLC, and Automatic Data Processing, Inc. [ECF Nos. 290–292]. Subpoenas are issued on August 13, 2021. [ECF Nos. 293, 294].
- August 20, 2021. Gaal files Motion to Quash 2004 examinations of Riggs and Renaissance Consulting. [ECF No. 295].
- September 22, 2021. Trustee files Emergency Motion to Compel Turnover of Tax Refund and Production of Documents. [ECF Nos. 309, 312].
- September 30, 2021. Gaal responds to the Trustee's Motion to Compel Turnover of Tax Refund. [ECF No. 314].
- October 4, 2021. Gaal's Motion to Quash is denied and the Trustee's Motion to Compel Turnover is granted, in part and denied in part as to production of documents. [ECF Nos. 317, 357, 359].
- October 18–19, 2021, copies of Gaal's tax returns were produced to the Trustee.
- November 3, 2021. Trustee files Amended Notice of 2004 examinations of Riggs and Renaissance Consulting. [ECF Nos. 320, 321].
- December 3, 2021. Trustee files Notice of Postponement of 2004 Examinations of Riggs and Renaissance Consulting. [ECF No. 330].
- December 6, 2021. Trustee filed his Amended Notice of 2004 Examination of Riggs and Renaissance Consulting. [ECF Nos. 334, 335].

- March 21, 2022. Court entered its Memorandum Opinion on Service of a subpoena on a Foreign National, permitting service via Gaal's counsel. [ECF No. 354].
- April 4, 2022. Lynn Sherman, Esq. files a Notice of Appeal on behalf of Gaal. [ECF No. 362].
- April 4, 2022. Trustee filed Third Notice of 2004 Examination of Gaal and the corporate representatives of the Debtor and ProCom Tours, LLC, after attempting to coordinate dates but not having received a response. [ECF No. 364].
- April 5, 2022, Gaal filed his Emergency Motion for Protective Order for the Third Notice of 2004 Examinations. [ECF No. 365].
- April 6, 2022. Gaal filed an Emergency Motion for Stay Pending Appeal. [ECF No. 368].
- April 7, 2022. Trustee files Demand For Repayment Of Debtors Loan To Peter Gaal In Further Support Of Chapter 7 Trustee, Douglas N. Menchises, Opposition To Peter Gaals Emergency Motions For Protective Order And For Stay Pending Appeal. [ECF No. 375].
- April 20, 2022. Court enters Order Denying Gaal's Motion for Protective Order, and directs Gaal to appear via Zoom for a 2004 examination scheduled for May 3-4, 2022. [ECF No. 385].
- April 25, 2022. Trustee filed a Renewed Notice of the 2004 examinations that rescheduled the May 3-4, 2022, examinations to July 11-12, 2022, and required documents to be produced on or before July 4, 2022—none were produced. [ECF No. 386].
- July 1, 2022. Gaal's counsel advises the Trustee's counsel that Gaal would not be appearing for the 2004 examination noticed for July 11, 2022, providing no explanation for why Gaal would not appear.
- July 2, 2022, Kathleen DiSanto, on behalf of certain of the Examinees, similarly advises that her clients would not appear at the noticed examinations.
- July 7, 2022. After counsel advises that the Gaal and the Examinees will not appear for the Rule 2004 examination, Trustee files his Amended Fourth Omnibus Notice of Rule 2004 Examination, to require the Examinees to appear at Baker & McKenzie's office for Zoom deposition. [ECF No. 399].
 - Amended again on July 8, 2022, to provide Zoom link for counsel and to correct address. [ECF Nos. 399, 402, 403].

- July 14, 2022. Following Gaal and the other Examinees' failure to appear at the 2004 Examinations noticed for July 11 and 12, 2022, the Trustee filed his Expedited Motion to Compel Examination Testimony from and for Sanctions against Procom America, LLC, Gaal, and Procom Tours, LLC [ECF No. 405].
- July 26, 2022. Gaal filed a response to the Trustee's Expedited Motion to Compel. [ECF No. 410]. No response was filed by the Debtor or Procom Tours, LLC.
- July 28 and 29, 2022. Court conducted a hearing on the Trustee's Expedited Motion to Compel and ordered Gaal and the Examinees—consistent with this Court's prior order—to appear for latest attempt at 2004 examinations by the Trustee and to produce documents in advance. [ECF Nos. 413, 415, 426].
- August 16, 2022. Trustee filed his Fifth Omnibus Notice of Rule 2004 Examinations. [ECF Nos. 420, 422] (amended to correct Zoom link)
 - Examinations are scheduled to occur on September 12 and 13, 2022 after coordinating availability with both Ms. Sherman and Ms. DiSanto
- On September 2, 2022, ten days before the examination, Ms. Sherman, as Gaal's counsel, notifies the Trustee that Gaal will not appear for the Rule 2004 examination on September 12, 2022 either individually or as a corporate representative for any of the Examinees.
- Also on September 2, 2022, Ms. DiSanto, as counsel for the other Examinees, similarly advises the Trustee that her clients will not appear for the Rule 2004 examination to follow Gaal's examination.
- September 16, 2022. Trustee filed his Motion for Civil Contempt and Sanctions and served copies on Gaal and the corporate Examinees by CM/ECF electronic service and by U.S. Mail. [ECF No. 427].

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