

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,
IN AND FOR ORANGE COUNTY, FLORIDA

FORTINBRAS ENTERPRISES LP,
HT INVESTMENTS, LLC, SILVER
ROCK TACTICAL ALLOCATION
FUND LP, AND SILVER ROCK
CONTINGENT CREDIT FUND LP,

PLAINTIFFS,

v.

ONE FLORIDA BANK,

DEFENDANT.

CASE No.: 2023-CA-014704-O

COMPLEX BUSINESS LITIGATION

Defendant One Florida Bank, pursuant to Florida Rules of Civil Procedure 1.140(b)(6) and 1.110(f),
Complaint because Plaintiffs cannot state a claim for fraudulent transfer, whether intentional or constructive. In support, One Florida Bank states:

1

Plaintiffs know

Plaintiffs approve

See

See id.

Id.

Id.

See id.

Id.

3

3

the repayment of Existing Indebtedness

Id.

Id.

see also id.

required

Id.

See id.

Gen. Elec. Co. v. Chuly Int'l, LLC

Beal Bank, SSB v. Almand Assocs.

see also

and

and

See, e.g. United States v. Exec. Auto Haus, Inc.

First State Bank of Nw. Ark. v. McClelland Qualified Pers. Residence

Tr.

7

Id.

8

In re Brit. Am. Ins.,

report and recommendation adopted sub nom. In

re Brit. Am. Isle of Venice (BVI) Ltd.

7

8

Servs., Inc.
re PSN USA, Inc.
aff'd

In re Able Body Temp.
see also In

see also

SL EC, LLC v. Ashley Enerkn i

Rozan v. Rozan

Nat. Ass'n v. Verizon Commc'ns Inc.

9

knew

consented

required

¹⁰ *See also In re Refco, Inc. Sec. Litig.*

Odebrecht S.A.

Id.

U.S. Bank

U.S. Bank

Id.

Taubenfeld

Collado

Id.

undisputedly

See Collado

CERTIFICATE OF GOOD FAITH
CONFERENCE PURSUANT TO BCP 5.3

Counsel for Defendant, Thomas A. Zehnder, hereby certifies that on October 10, 2023 he conferred by telephone with counsel for Plaintiffs, Ben Curtis, Kelly Shami, and Brian Glueckstein, in a good faith effort to resolve the issues raised in this motion, and they notified undersigned counsel that Plaintiffs oppose the relief requested.

/s/ Thomas A. Zehnder _____

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One Florida Bank

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 13, 2023, I filed the foregoing using the State of Florida ePortal Filing System, which will serve a copy by email on all counsel listed on the Service List below. I further certify that I have served a true and correct copy on Brian D. Glueckstein, Esq. (gluecksteinb@sullcrom.com) with Sullivan & Cromwell LLP, via email, who is out-of-state counsel for Plaintiffs and has not yet filed his motion for pro hac vice.

/s/ Thomas A. Zehnder

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*Counsel for Defendant
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