



**ORDERED in the Southern District of Florida on January 21, 2016.**

  
Paul G. Hyman, Jr.  
Chief United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION  
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IN RE:

PALM BEACH FINANCE PARTNERS, L.P.,  
PALM BEACH FINANCE II, L.P.,

CASE NO. 09-36379-PGH  
CASE NO. 09-36396-PGH  
(Jointly Administered)

Debtors.

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**ORDER GRANTING LIQUIDATING TRUSTEE'S  
SIXTH OMNIBUS OBJECTION TO CLAIMS (LIMITED PARTNER CLAIMS  
AND SCHEDULED EQUITY INTERESTS IN CASE NO. 09-36379-PGH (PBFP))**

This matter having been considered without hearing upon the Liquidating Trustee's Sixth Omnibus Objection to Claims (Limited Partner Claims and Scheduled Equity Interests in Case No. 09-36379-PGH (PBFP)) [ECF No. 2752] ("**Objection**"), and the objector by submitting this order having represented that the objection was served on the parties listed below, that the 30-day response time provided by Local Rule 3007-1(D) has expired, that no one listed below has filed, or served on the objector, a response to the objection, and that the relief to be granted in this

order is the identical relief requested in the objection, and this Court having considered the basis for the objection to the claim, it is

**ORDERED** as follows:

1. The Objection is **SUSTAINED** as set forth herein.
2. Claim No. 50-1 filed by Agile Safety Fund (International) (“*ASFI*”), in Case No. 09-36379 (PBFP) is allowed as a general unsecured claim in the amount of \$7,818,580.33 (“*Allowed Claim 50-1*”). In addition, ASFI shall have an allowed equity interest in Case No. 09-36379 (PBFP), which shall be calculated (following the final resolution of all limited partner claims and equity interests) using the foregoing allowed claim amount as the numerator and the total of all allowed equity interests as the denominator.
3. Claim No. 51-1 filed by Agile Safety Fund (Master Fund) (“*ASMF*”), in Case No. 09-36379 (PBFP) is allowed as a general unsecured claim in the amount of \$2,181,419.67 (“*Allowed Claim 51-1*”). In addition, ASMF shall have an allowed equity interest in Case No. 09-36379 (PBFP), which shall be calculated (following the final resolution of all limited partner claims and equity interests) using the foregoing allowed claim amount as the numerator and the total of all allowed equity interests as the denominator.
4. Claim No. 52-1 filed by Agile Safety Variable Fund, L.P. (“*ASVF*”), in Case No. 09-36379 (PBFP) is allowed as a general unsecured claim in the amount of \$6,250,000.00 (“*Allowed Claim 52-1*”). In addition, ASVF shall have an allowed equity interest in Case No. 09-36379 (PBFP), which shall be calculated (following the final resolution of all limited partner claims and equity interests) using the foregoing allowed claim amount as the numerator and the total of all allowed equity interests as the denominator.

5. The scheduled equity interest in Case No. 09-36379 (PBFP) in the name of AGILE Safety Group, LLC shall be stricken and expunged.

6. Claim No. 27-1 filed by Blackpool Absolute Return Fund, LLC (“*BAR Fund*”), in Case No. 09-36379 (PBFP) is allowed as a general unsecured claim in the amount of \$795,904.82 (“*Allowed Claim 27-1*”). In addition, the list of equity security holders in Case No. 09-36379 (PBFP) shall be modified to replace Blackpool Partners, LP with “Blackpool Absolute Return Fund, LLC,” as the correct holder of the equity interest, which allowed equity interest shall be calculated (following the final resolution of all limited partner claims and equity interests) using the foregoing allowed claim amount as the numerator and the total of all allowed equity interests as the denominator.

7. Notwithstanding the foregoing, the Liquidating Trustee’s right to seek subordination of the Allowed Claims, whether under section 510 of the Bankruptcy Code or any other basis, is hereby preserved.

8. In addition, nothing herein is intended to, or should be considered, a limit to the damages that the Liquidating Trustee - or any other party - can claim or recover against third parties.

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**Submitted By:**

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**Copies Furnished To:**

Peter D. Russin, Esquire, is directed to serve copies of this Order on all parties in interest and to file a Certificate of Service.