

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re

CASE NO. 9:08-bk-04360-MGW

ULRICH FELIX ANTON ENGLER,
PRIVATE COMMERCIAL OFFICE, INC.,
and PCO CLIENT MANAGEMENT, INC.,

CHAPTER 7
(Substantively Consolidated)

Debtors.

**TRUSTEE'S SECOND OMNIBUS OBJECTION TO CLAIMS
(CLAIMANT NAMES BEGINNING WITH "C", "D" & "E")**

**NOTICE OF OPPORTUNITY TO
OBJECT AND FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files a response within sixty (60) days from the date set forth on the proof of service attached to this paper plus an additional three days for service. If you object to the relief requested in this paper, you must file your response with the Clerk of the Court at Sam M. Gibbons United States Courthouse, 801 North Florida Avenue, Tampa, Florida 33602-3899, and serve a copy on counsel for the Trustee at Heather L. Harmon, Esq., Genovese Joblove & Battista, P.A., 200 East Broward Boulevard, Suite 1110, Fort Lauderdale, FL 33301, hharmon@gjb-law.com, and any other appropriate persons within the time allowed.

If you file and serve a response within the time permitted, the Court may schedule and notify you of a hearing, or the Court may consider the response and may grant or deny the relief requested without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

For additional information regarding these Chapter 7 cases or to submit an inquiry regarding this Objection, please visit www.englerbk.com

ROBERT E. TARDIF, JR. (the "Trustee"), as Chapter 7 Trustee for the substantively consolidated bankruptcy estates of Ulrich Felix Anton Engler ("Engler"), Private Commercial

Office, Inc. (“PCO”), and PCO Client Management, Inc. (“PCOM”) (collectively, the “Debtors”), pursuant to 11 U.S.C. §502(b), Federal Rule of Bankruptcy Procedure 3007 and Local Rule 3007-1, hereby files this objection (the “Objection”) to the claims listed on the attached **Exhibit A** for one or more of the reasons described below:

Duplicate: This claim is duplicative of another claim filed in the substantively consolidated bankruptcy cases of Engler and/or PCO. As a result, the duplicative claim should be stricken and disallowed in its entirety. Exhibit “A” specifies claimant’s remaining claim against the Debtors’ consolidated estate. The remaining claim may be subject to further objection for additional reasons set forth herein.

Claim Includes Interest: The Claim includes a component for interest which is not permitted under applicable state and bankruptcy law. The Debtors were engaged in a Ponzi scheme and interest or “false profits” are not permissible as claims against the Debtors’ consolidated estate. As a result, such claim should be reduced and allowed in the amount indicated on the Exhibit, to the extent the Trustee does not seek to strike and disallow, or further reduce, such claim for additional reasons set forth herein.

Claim Exceeds Net Investment: The amount of the claim exceeds the net investment set forth in the Debtors’ books and records including, but not limited to, the Debtors’ bank records. A “net investment” is the principal of the investment, less any amounts received from the Debtors as either return of principal or interest payments. As a result, such claims should be reduced to the amount indicated on the Exhibit, to the extent the Trustee does not seek to strike and disallow such claim for additional reasons set forth herein.

Claimant is Net Profiteer: The Debtors’ books and records including, but not limited to, the Debtors’ bank records, show that claimant is a “net profiteer” in the Debtors’ Ponzi scheme. A net profiteer is an individual or entity who received return of principal or interest payments in excess of the principal amount invested with the Debtors. Because the claimant’s principal was returned in full prior to the petition date, claimant is not entitled to any further claim against the Debtors’ consolidated estate. As a result, the claim should be stricken and disallowed in its entirety.

Late-Filed: The Claim was filed after the Bar Date of November 3, 2008. As a result, the claim should be disallowed as a general unsecured claim and allowed as a late-filed claim pursuant to Section 726(a)(3) of the Bankruptcy Code.

Claim Improperly Classified: Claim was improperly filed as a priority or a secured claim and claimant has no basis for either a priority claim pursuant to any subsection of 11 U.S.C. §507 or a security interest in any property of the Debtors' consolidated estate. As a result, such claim should be reclassified and allowed in the amount indicated on the Exhibit, to the extent the Trustee does not seek to strike and disallow, or further reduce, such claim for additional reasons set forth herein.

Claim Filed With No Amount: The proof of claim form does not specify a claim amount or lists the claim amount as "Unknown." The documentation attached to the proof of claim does not indicate the claimant's intent with respect to the claim amount. As a result, the claim should be stricken and disallowed in its entirety.

1. The Exhibit attached hereto is a schedule of claims being objected to by the Trustee, with the specific grounds and reasons for the objection, and the requested disposition of such claims, as set forth above.

2. The Trustee reserves the right to amend any objection to any claim set forth on the Exhibit, to object on additional grounds not set forth in the Exhibit and/or to object to any further claims not presently set forth on the Exhibit. By filing this Objection, the Trustee does not waive the right to file further objections or to pursue avoidance actions or other causes of action.

WHEREFORE, the Trustee respectfully requests that the Court enter an Order: (i) disposing of the claims set forth on the Exhibit, as recommended by the Trustee, on the grounds set forth in this Objection and on the attached Exhibit, without prejudice to the rights of the Trustee or other interested party to file further objections or to pursue avoidance actions or other causes of action, and (ii) granting such other and further relief as is just and appropriate.

Dated this 19th day of August, 2015.

Respectfully submitted,
GENOVESE JOBLOVE & BATTISTA, P.A.
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Case No. 08-bk-04360-ALP
United States Bankruptcy Court

**Omnibus Objection to Claims
EXHIBIT "A"**

Claim Number	Case	Claimant Name (alphabetical by last name)	Total Claim	Amount Received as Return of Principal or Interest Payment	Objections					Proposed Allowed Claim (general unsecured)	Duplicate Claim #
					Duplicate	Disallowed Interest	Net Investment Amount Differs	Late Filed	Incorrectly Classified ("X")		
93	4360-Engler	Chiesola, Cornelia	\$ 32,498.54	\$ 8,664.75	-	12,498.54	8,664.75	-		\$ 11,335.25	
235	4360-Engler	Claus, Jurgen	\$ 10,000.00	\$ 2,000.00	-	-	-	-		\$ 10,000.00	
1057	4360-Engler	Dahlum, Jens	\$ 12,033.12	\$ -	-	7,033.12	-	-	X	\$ 5,000.00	
925	4360-Engler	De Fries, Volker	\$ 82,702.00	\$ -	-	22,723.00	-	-		\$ 59,979.00	
1027	4360-Engler	Dietrich, Bernadett	\$ 28,078.67	\$ 1,200.00	-	18,078.67	1,200.00	-	X	\$ 8,800.00	
666	4360-Engler	Dimmig, Michael	\$ 184,943.73	\$ -	-	84,843.73	-	-		\$ 100,100.00	
839	4360-Engler	Doblender, Armin	\$ 33,635.39	\$ 2,340.00	-	22,029.39	2,340.00	-		\$ 9,266.00	
840	4360-Engler	Doblender, Armin	\$ 213,054.02	\$ -	-	124,154.02	-	-		\$ 88,900.00	
841	4360-Engler	Doblender, Armin	\$ 13,000.00	\$ 780.00	-	-	780.00	-		\$ 12,220.00	
625	4360-Engler	Dobler, Wolfgang	\$ 1,275,913.28	\$ 204,000.00	-	900,913.28	204,000.00	-		\$ 171,000.00	
1081	4360-Engler	Dr. Daniel Hunkeler as Insolvency administrator over assets of Batnova Immobilien AG	\$ 1,650,000.00	\$ 366,432.69	-	-	366,432.69	1,283,567.31		\$ -	
1033	4360-Engler	Drechsler, Sabina Marie	\$ 12,183.50	\$ -	-	7,183.50	-	-	X	\$ 5,000.00	
9	4360-Engler	Duffner, Michael	\$ 335,000.00	\$ 534,852.85	-	-	Net Profiteer	-		\$ -	
440	4360-Engler	Dvorak, Dusan	\$ 7,000.00	\$ -	-	-	-	-		\$ 7,000.00	
1127	4360-Engler	Dvorak, Dusan	\$ 7,000.00	\$ -	7,000.00	-	-	-		\$ -	440
498	4360-Engler	Effern, Peter & Chrysanth AG	\$ 585,974.00	\$ 399,923.21	-	73,465.71	399,923.21	-		\$ 112,585.08	
889	4360-Engler	Effern, Peter & Chrysanth AG	\$ 585,974.00	\$ -	585,974.00	-	-	-		\$ -	498
497	4360-Engler	Effern, Peter & Romy Plikat	\$ 11,327.00	\$ -	-	3,434.36	-	-		\$ 7,892.64	

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					Duplicate	Disallowed Interest	Net Investment Amount Differs	Late Filed	Incorrectly Classified ("X")		
890	4360-Engler	Effer, Peter & Romy Plikat	\$ 11,327.00	\$ -	11,327.00	-	-	-	-	\$ -	497
355	4360-Engler	Eichberger, Bettina	\$ 5,000.00	\$ -	-	-	-	-	-	\$ 5,000.00	
1013	4360-Engler	Eichberger, Bettina	\$ 5,000.00	\$ -	5,000.00	-	-	-	-	\$ -	355
1049	4360-Engler	Enderle, Margarita	\$ 30,305.63	\$ 1,200.00	-	20,305.63	1,200.00	-	X	\$ 8,800.00	
753	4360-Engler	Engler, Rene	\$ 65,000.00	\$ 15,000.00	-	15,000.00	15,000.00	-		\$ 35,000.00	
756	4360-Engler	Engler, Rene	\$ 121,936.85	\$ 45,000.00	-	73,936.85	45,000.00	-		\$ 3,000.00	
757	4360-Engler	Engler, Rene	\$ 276,000.00	\$ 5,233.45	-	126,000.00	5,233.45	-		\$ 144,766.55	
758	4360-Engler	Engler, Rene	\$ 155,858.32	\$ 2,864.48	-	105,858.32	2,864.48	-		\$ 47,135.52	
726	4360-Engler	Essen, Rotraut	\$ 173,251.38	\$ 7,965.08	-	48,251.38	7,965.08	-	X	\$ 117,034.92	