

SILVERMANACAMPORA LLP  
Attorneys for Kenneth P. Silverman, Esq.,  
Chapter 7 Trustee  
100 Jericho Quadrangle, Suite 300  
Jericho, New York 11753  
(516) 479-6300  
David J. Mahoney, Esq.

Hearing Date: August 11, 2014  
Time: 9:30 a.m.

Objections Due: August 4, 2014  
Time: 5:00 p.m.

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re:

AGAPE WORLD, INC., *et al.*,

Debtors.

Chapter 7  
Case No.: 09-70660 (AST)  
Substantively Consolidated

-----X  
KENNETH P. SILVERMAN, ESQ., as  
Chapter 7 Trustee of Agape World, Inc., *et al.*,

Plaintiff,

Adv. Pro. No.: 11-08104 (REG)

-against-

SUSANA MOOR,

Defendant.  
-----X

**NOTICE OF HEARING OF AN APPLICATION FOR AN  
ORDER (I) RE-OPENING ADVERSARY PROCEEDING; (II) VACATING  
THE JUDGMENT ENTERED AGAINST SUSANA MOOR ON FEBRUARY 27,  
2012; AND (III) DISMISSING AND RE-CLOSING THE ADVERSARY PROCEEDING**

**PLEASE TAKE NOTICE**, that upon the application (the "Application") of Kenneth P. Silverman, Esq., the chapter 7 trustee (the "Trustee") of Agape World, Inc., *et al.* ("Agape"), by and through his counsel, SilvermanAcampora LLP ("SA"), the Trustee will move before the Honorable Robert E. Grossman, United States Bankruptcy Judge, at the United States Bankruptcy Court, Courtroom 860, Eastern District of New York at Central Islip, 290 Federal Plaza, Central Islip, New York 11722 on **August 11, 2014 at 9:30 a.m.** seeking the entry of an Order (I) re-opening this adversary proceeding; (II) vacating the Judgment entered against Suzana Moor on February 27, 2012; and (III) dismissing and re-closing the adversary proceeding. A copy of the Proposed Order is annexed hereto as **Exhibit 1**.

**PLEASE TAKE FURTHER NOTICE**, that objections, if any, to the relief requested in the Motion or the proposed Order must be (i) made in writing; (ii) electronically filed with the Bankruptcy Court; (iii) delivered to Chambers of the Honorable Robert E. Grossman, United States Bankruptcy Judge, United States Bankruptcy Court, Eastern District of New York, Alfonse M. D'Amato Federal Courthouse, 290 Federal Plaza, Central Islip, New York 11722; (iv) mailed to SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300, Jericho, New York 11753, Attn: David J. Mahoney, Esq.; and (v) mailed to the Office of the United States Trustee, 560 Federal Plaza, Central Islip, New York 11722, no later than **5:00 p.m. on August 4, 2014**.

**PLEASE TAKE FURTHER NOTICE**, that the Hearing may be adjourned without further notice other than by announcement of such adjournment in open Court.

Dated: Jericho, New York  
July 10, 2014

**SILVERMANACAMPORA LLP**  
Attorneys for Kenneth P. Silverman, Esq.,  
the Chapter 7 Trustee

By: s/ David J. Mahoney  
David J. Mahoney  
A Member of the Firm  
100 Jericho Quadrangle, Suite 300  
Jericho, New York 11753  
(516) 479-6300

**TO: Office of the United States Trustee**  
Christine H. Black  
Office of the United States Trustee  
Alfonse D'Amato Federal Courthouse  
560 Federal Plaza  
Central Islip, New York 11722

**Defendant**  
Susana Moor  
518 Berry James Ct  
Kissimmee, Florida 34744

SILVERMANACAMPORA LLP  
Attorneys for Kenneth P. Silverman, Esq.,  
Chapter 7 Trustee  
100 Jericho Quadrangle, Suite 300  
Jericho, New York 11753  
(516) 479-6300  
David J. Mahoney, Esq.

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re:

AGAPE WORLD, INC., *et al.*,

Debtors.

Chapter 7  
Case No.: 09-70660 (AST)  
Substantively Consolidated

-----X  
KENNETH P. SILVERMAN, ESQ., as  
Chapter 7 Trustee of Agape World, Inc., *et al.*,

Plaintiff,

Adv. Pro. No.: 11-08104 (REG)

-against-

SUSANA MOOR,

Defendant.

-----X

**APPLICATION FOR AN  
ORDER (I) RE-OPENING ADVERSARY  
PROCEEDING; (II) VACATING THE JUDGMENT  
ENTERED AGAINST SUSANA MOOR ON FEBRUARY 27, 2012;  
AND (III) DISMISSING AND RE-CLOSING THE ADVERSARY PROCEEDING**

Kenneth P. Silverman, Esq., the chapter 7 trustee (the "Trustee") of Agape World, Inc., *et al.* ("Agape"), seeking the entry of an Order reopening the adversary proceeding to vacate the judgment entered against Susana Moor (the "Defendant") on February 27, 2012 and dismissing the adversary proceeding, respectfully sets forth and represents as follows:

1. On February 5, 2009 (the "Petition Date"), an involuntary chapter 7 petition was filed by four petitioning creditors ("the Petitioning Creditors") pursuant to 11 U.S.C. §303(b), against Agape World, Inc. ("AWI"), in the United States Bankruptcy Court for the Eastern District of New York.

2. On February 9, 2008, the Petitioning Creditors filed a motion to appoint an

interim chapter 7 trustee under 11 U.S.C. §303(g).

3. On February 12, 2009, the Court granted the Petitioning Creditors' motion and entered an order directing the United States Trustee's Office to immediately appoint an interim chapter 7 trustee in the AWI case.

4. On February 12, 2009, Kenneth P. Silverman, Esq., was appointed the interim trustee in the AWI case, and has since duly qualified and is now the permanent Trustee in the Debtors' substantively consolidated case.

5. On March 4, 2009, the Court issued an Order for relief in the AWI chapter 7 case.

6. On April 14, 2009, the Court issued an Order substantively consolidating AWI, Agape Merchant Advance LLC, Agape Community LLC, Agape Construction Management, LLC, Agape World Bridges LLC, and 114 Parkway Drive South LLC.

7. On or about January 18, 2011, the Trustee commenced an adversary proceeding (the "Adversary Proceeding") against Defendant by the filing and service of a summons and complaint (the "Complaint") seeking, among other things, the return of approximately Fifty Six Thousand Eight Hundred Eighty Four and 75/100 (\$56,884.75) Dollars (the "Transfers") paid by Agape to Defendant in connection with the Ponzi scheme perpetrated by Agape.

8. Defendant failed to file an answer or otherwise respond to the Complaint by the requisite deadline.

9. Accordingly, on or about January 9, 2012, the Trustee filed his motion for default judgment pursuant to Federal Bankruptcy Rule 7055 (the "Motion") for Defendant's failure to answer or otherwise respond to the Complaint [Docket No. 9].

10. Thereafter, on February 27, 2012, this Court entered the Order granting the Trustee's Motion [Docket No. 10] and entered the default judgment (the "Judgment") on the same day [Docket No. 11].

11. On January 27, 2014, the Trustee restrained the Defendant's bank account with Bank of America (the "Bank Account"). The Trustee has since released the Bank Account.

**THE JUDGMENT SHOULD BE VACATED**

12. Federal Rule of Civil Procedure ("FRCP") 60 applies in bankruptcy cases except in certain circumstances that are not pertinent to this matter. FRCP 60(b)(5) provides that:

**(b) Grounds for Relief from a Final Judgment, Order or Proceeding.**

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order or proceeding for the following reasons:

**(5)** ...applying [the Judgment] prospectively is no longer equitable.

13. For the reasons set forth below, cause exists to vacate the Judgment.

14. Subsequent to the Trustee restraining the Bank Account, on January 29, 2014, Defendant contacted the Trustee and provided the Trustee with documentation demonstrating that the Defendant deposited more money into Agape than she received from Agape. Thus, the Defendant is a net loser.

15. Accordingly, the Trustee respectfully requests that this Court enter an Order (I) re-opening the adversary proceeding; (II) vacating the judgment entered against Susana Moor on February 27, 2012; and (III) dismissing and re-closing the adversary proceeding. A copy of the Proposed Order is annexed hereto as **Exhibit 1**.

**NOTICE OF THE APPLICATION**

16. The Trustee has served the Notice of Hearing, Proposed Order, and Application upon: (I) the Office of the United States Trustee; and (II) the Defendant.

17. No previous application for the relief requested herein has been made to this or any other Court.

**WHEREFORE**, the Trustee respectfully requests that this Court enter an Order under Bankruptcy Code §105 (I) re-opening the adversary proceeding; (II) vacating the judgment entered against Susana Moor on February 27, 2012; and (III) dismissing and re-closing the adversary proceeding, and granting such other, further, and different relief as this Court deems just and proper.

Dated: Jericho, New York  
May \_\_\_\_, 2014  
July 10

**SILVERMANACAMPORA LLP**  
Attorneys for Kenneth P. Silverman, Esq.,  
the Chapter 7 Trustee

By: s/ David J. Mahoney  
David J. Mahoney  
A Member of the Firm  
100 Jericho Quadrangle, Suite 300  
Jericho, New York 11753  
(516) 479-6300

# **EXHIBIT 1**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re:

AGAPE WORLD, INC., *et al.*,

Debtors.

-----X  
KENNETH P. SILVERMAN, ESQ., as  
Chapter 7 Trustee of Agape World, Inc., *et al.*,

Plaintiff,

-against-

SUSANA MOOR,

Defendant.  
-----X

Chapter 7  
Case No.: 09-70660 (AST)  
Substantively Consolidated

Adv. Pro. No.: 11-08104 (REG)

**ORDER (I) RE-OPENING ADVERSARY  
PROCEEDING; (II) VACATING THE JUDGMENT  
ENTERED AGAINST SUSANA MOOR ON FEBRUARY 27, 2012; AND  
(III) DISMISSING AND RE-CLOSING THE ADVERSARY PROCEEDING**

Upon the Notice of Hearing and Application dated July 10, 2014, (the "Application") filed by Kenneth P. Silverman, Esq., the Chapter 7 trustee (the "Trustee") of Agape World, Inc., *et al.*, ("Agape") by his attorneys, SilvermanAcampora LLP, seeking the entry of an Order pursuant to 11 U.S.C. §105 (I) re-opening this adversary proceeding; (II) vacating the judgment entered against Susana Moor on February 27, 2012; and (III) dismissing and re-closing the adversary proceeding; and no objections to the entry of the order having been filed;

**NOW, THEREFORE**, upon the Application of the Trustee and pursuant to Bankruptcy Code §105, it is hereby

**FOUND**, that based upon the affidavit of service evidencing service of the Notice of Presentment, Application and proposed order by regular mail upon (i) the Office of the United States Trustee; and (ii) Susana Moor (the "Defendant"), and it is hereby

**ORDERED**, that the adversary proceeding against Defendant, assigned case number



11-08104, is re-opened to vacate the Judgment against Defendant in the amount of \$56,884.75, and it is further

**ORDERED**, that the Court is hereby directed to vacate the Judgment against Susana Moor and dismiss the adversary proceeding against her, and it is further

**ORDERED**, that the Trustee is authorized to take such steps, execute such documents and expend such funds that are necessary to effectuate the terms and conditions of this order.

**SO ORDERED:**