

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION**

**CASE NO. 08-81565-CIV-HURLEY/HOPKINS**

**SECURITIES AND EXCHANGE )  
COMMISSION )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CREATIVE CAPITAL CONSORTIUM, LLC, )  
A CREATIVE CAPITAL CONCEPT\$, LLC, and )  
GEORGE L. THEODULE, )  
 )  
Defendants. )  
\_\_\_\_\_ )**

**PLAINTIFF’S UNOPPOSED MOTION FOR ONE-WEEK DISCOVERY EXTENSION  
FOR LIMITED PURPOSE OF TAKING ONE DEPOSITION**

Plaintiff Securities and Exchange Commission seeks a one-week extension of the current discovery deadline of January 19, 2010 until January 26, 2010 for the limited purpose of taking a single deposition of the accountant of Defendant George Theodule. Undersigned counsel has conferred with Theodule, who does not oppose this motion. The grounds are as follows.

Theodule previously consented to a permanent injunction, resolving all issues of liability, and leaving open only the issues of the amount of disgorgement, prejudgment interest, and civil penalties the Court should order against him. To address those issues, Theodule recently moved the Court for a 45-day discovery extension, which the Commission did not oppose, to allow his accountant more time to complete discovery on the issue of the proper amount of disgorgement. D.E. 189. The Court granted the motion. D.E. 191.

Theodule has the accountant analyzing records to determine what he believes should be the proper amount of disgorgement. If the parties are unable to agree on an amount, the

Commission will need to depose the accountant. Due to the additional time the accountant needs to complete her analysis, and the representations of the accountant to Theodule's counsel that she will not be available for a deposition until January 25, the parties have agreed on a deposition date of January 26. Accordingly, the Commission asks the Court for a one-week extension of the discovery cut-off through January 26 for the sole purpose of allowing the deposition to go forward.

Respectfully submitted,

December 28, 2009

By: s/Robert K. Levenson

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 28, 2009, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel for parties who are not authorized to received electronically Notices of Electronic Filing.

s/Robert K. Levenson  
Robert K. Levenson, Esq.

**SERVICE LIST**

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Case No. 08-81565-CIV-HURLEY/HOPKINS  
United States District Court, Southern District of Florida

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