

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

CASE NO.: 09-CIV-20865-UNGARO/SIMONTON

JONATHAN E. PERLMAN, Esq., as court :
Appointed Receiver of Creative Capital :
Consortium, LLC, et al., :

Plaintiff, :

v. :

GABRIELLE ALEXIS, et al., :

Defendants. :

_____ :

RESPONSE TO ORDER TO SHOW CAUSE

COMES NOW, the Defendants, GABRIELLE ALEXIS, and LAW OFFICE OF GABRIELLE ALEXIS, P.A., (hereinafter collectively “Alexis”), by and through their undersigned counsel, and pursuant to the applicable Federal Rule of Civil Procedure, respectfully respond to this Honorable Court’s Order to Show Cause Why Motion for Entry of Default Judgment Should Not be Granted [D.E. 48], and in support thereof states as follows:

1. On February 23, 2010, the parties entered into a settlement agreement and sought court approval of same [D.E. 37]. On March 11, 2010, an Order Approving the Settlement Agreement and Final Judgment were entered [D.E. 43 and D.E. 44].

2. The terms of the settlement agreement called for the payment of certain sums by Alexis, as well as the transfer of title to certain real property.

3. At the time of entering into the settlement agreement, Alexis had every intention of paying the sums called for, and believed that she would have the capability to do so. At this

time, Alexis is willing to transfer title to the two properties upon receipt of quit claim deeds from the Receiver. She does not, however, have the capability to pay the sums called for in the settlement agreement, but continues to endeavor to raise the required funds.

4. Alexis respectfully requests that this Court deny the Receiver's Motion for Default Judgment [D.E. 45], permit her to transfer title to the properties, and grant her additional time to try and pay the sums required under the terms of the settlement agreement.

5. The requested relief will not prejudice either party, but would afford the Receiver the best opportunity to recover funds.

WHEREFORE, GABRIELLE ALEXIS and LAW OFFICE OF GABRIELLE ALEXIS, P.A., respectfully submits that good cause has been shown why a default judgment should not be entered, and respectfully requests that the Receiver's Motion be denied and for such other relief as the Court deems just.

DATED: June 11, 2010
Boca Raton, Florida

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, on this 11th day of June 2010. 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 or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: /s/ Kenneth S. Pollock
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