

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

JONATHAN E. PERLMAN, Esq. as court  
appointed receiver of Creative Capital  
Consortium, LLC et al.,

Plaintiffs,

v.

REGENCY REALTY GROUP, INC.,

Defendant/Third-Party Plaintiff,

CASE NO.: 12-cv-80486-DMM

v.

THOMAS WEISZ, an individual; BARBARA  
KRAMER, an individual; LAWRENCE  
KRAMER, an individual; CARLOS  
BONILLA, an individual; and GEORGE  
THEODULE, an individual,;

Third-Party Defendants.

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**DEFENDANT'S AGREED MOTION REGARDING INITIAL SCHEDULING  
CONFERENCE, SCHEDULING ORDER AND TRIAL DATE**

Defendant hereby files this Motion to reschedule the initial scheduling conference, and to extend the pretrial and trial dates by four (4) months, and in support thereof states as follows:

1. Plaintiff filed his Complaint on May 2, 2012. See Dkt. 1.
2. Defendant was served with the Complaint on May 11, 2012. See Affidavit of John A. Tucker attached hereto as Exhibit A ("Tucker Affidavit"), ¶ 4.
3. On May 22, 2012, the Court entered an Order setting the trial date for this matter during the two-week trial period commencing February 11, 2013. See Dkt. 4; Tucker Affidavit ¶ 5.

4. On June 6, 2012, the Court set an initial scheduling conference for 2:00 p.m. on June 19, 2012. See Dkt. 8; Tucker Affidavit ¶ 6.

5. At the time the Court entered its scheduling Order and set the initial scheduling conference, Defendant had not answered the Complaint. Tucker Affidavit ¶ 7.

6. Since this time, Defendant has answered the Complaint, and at the same time, asserted a Third-Party Complaint for indemnity against five (5) Third-Party Defendants. See Dkts. 9 and 10; Tucker Affidavit ¶ 8.

7. Defendant is in the process of serving these Third-Party Defendants with the Third-Party Complaint, but has not done so and it not expected to complete service by the date of the initial scheduling conference. Tucker Affidavit ¶ 9.

8. Accordingly, the Third-Party Defendants will not attend the scheduling conference set for June 19, 2012. Tucker Affidavit ¶ 10.

9. Because the Third-Party Defendants will be subject to the pre-trial and trial dates, Defendant submits that the initial scheduling conference and the pretrial and trial dates be extended for four (4) months to allow Defendant to serve Third-Party Defendants.

10. In addition, Defendant anticipates that this matter will involve extensive discovery and since the Third Party Defendants have not been served yet, the parties will not be prepared to try this case in February 2013 as currently scheduled. Tucker Affidavit ¶ 11.

11. Based on the foregoing good cause, Defendant respectfully moves the Court to rescheduling the initial scheduling conference and that the trial in this matter be postponed for four (4) months.

12. This Motion is made in good faith and not for the purposes of delay.

**WHEREFORE**, Defendant respectfully requests that the initial scheduling conference in this matter be rescheduled and that the pretrial and trial dates be postponed for four (4) months, together with such other relief the Court deems proper.

**LOCAL RULE 7.1 CERTIFICATION**

Counsel for Defendant hereby certifies that he conferred with counsel for Plaintiff, who agrees to the forgoing motion.

Dated: June 18, 2012

Foley & Lardner LLP

/s/ John A. Tucker  
John A. Tucker  
Florida Bar No. 0356123  
[jtucker@foley.com](mailto:jtucker@foley.com)  
Amber L. Rumancik  
Florida Bar No. 0044888  
[arumancik@foley.com](mailto:arumancik@foley.com)  
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One Independent Drive, Suite 1300  
Jacksonville, FL 32202-5017  
Telephone: 904.359.2000  
Facsimile: 904.359.8700  
Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 18, 2012, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to the following:

David Charles Cimo, Esq.  
David P. Lemoie, Esq.  
Carmen Contreras-Martinez, Esq.  
Genovese, Joblove & Battista, P.A.  
100 S.E. 2<sup>nd</sup> Street, Suite 4400  
Miami, Florida 33131  
Attorney for Plaintiff

/s/ John A. Tucker  
John A. Tucker

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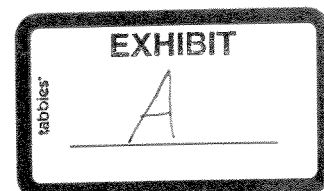
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**AFFIDAVIT IN SUPPORT OF DEFENDANT'S AGREED MOTION REGARDING  
INITIAL SCHEDULING CONFERENCE, SCHEDULING ORDER AND TRIAL DATE**

STATE OF FLORIDA  
COUNTY OF DUVAL

BEFORE ME, the undersigned authority, personally appeared John A. Tucker, Esq., who,  
being first duly sworn, deposes and says:

1. I am a practicing partner at the firm Foley & Lardner LLP, which is located at One Independent Drive, Suite 1300, Jacksonville, Duval County, Florida 32202.
2. I make this affidavit with the understanding that it is to be used in the above-styled action. All statements contained herein are within my personal knowledge. I am fully competent to testify to the facts recited herein.



3. Foley & Lardner LLP represents Defendant, Regency Realty Group, Inc. (“Defendant”) in the above referenced matter.

4. Defendant was served with the Complaint on May 11, 2012.

5. On May 22, 2012, the Court entered an Order setting the trial date for this matter during the two-week trial period commencing February 11, 2013. See Dkt. 4.

6. On June 6, 2012, the Court set a scheduling conference to occur at 2:00 p.m. on June 19, 2012. See Dkt. 8.

7. At the time the Court entered its scheduling Order and set the initial scheduling conference, Defendant had not answered the Complaint.

8. Since this time, Defendant has answered the Complaint, and at the same time, asserted a Third-Party Complaint for indemnity against five (5) Third-Party Defendants. See Dkts. 9 and 10.

9. Defendant is in the process of serving these Third-Party Defendants with the Third-Party Complaint, but has not done so and it not expected to complete service by the date of the initial scheduling conference.

10. Accordingly, the Third-Party Defendants will not attend the scheduling conference set for June 19, 2012.

11. In addition, Defendant anticipates that this matter will involve extensive discovery and since the Third Party Defendants have not been served yet, the parties will not be prepared to try this case in February 2013 as currently scheduled.

FURTHER AFFIANT SAYETH NOT.

John A. Tucker  
John A. Tucker

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was sworn to before me this 18<sup>th</sup> day of June, 2012 by John A.

Tucker. Such person did take an oath and: *(notary must check applicable box)*

- is/are personally known to me.
- produced a current Florida driver's license as identification
- produced \_\_\_\_\_ as identification.

{Notary Seal must be affixed}

Jane C. Barr  
Signature of Notary

Jane C. Barr  
Name of Notary (Typed, Printed or Stamped)  
Commission Number (if not legible on stamp) \_\_\_\_\_  
My Commission Expires (if not legible on stamp) \_\_\_\_\_

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

JONATHAN E. PERLMAN, Esq. as court  
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**ORDER GRANTING DEFENDANT'S AGREED MOTION REGARDING INITIAL  
SCHEDULING CONFERENCE, SCHEDULING ORDER AND TRIAL DATE**

THIS MATTER, having come before the Court upon Defendant's Agreed Motion Regarding Initial Scheduling Conference, Scheduling Order and Trial Date (the "Motion"), and the Court having reviewed the Motion and being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Motion is **GRANTED**.
2. A telephonic scheduling conference shall be held before Honorable Dave Lee Brannon, United States Magistrate Judge, at \_\_\_\_\_ on \_\_\_\_\_.

3. The above matter is hereby set for trial before the Honorable Donald M. Middlebrooks, United States District Court at 701 Clematis Street, Second Floor, Courtroom 7, West Palm Beach, Florida, during the trial period commencing \_\_\_\_\_, or as soon as there after the case may be called. The Status Conference/Calendar call will be held on \_\_\_\_\_.

**DONE AND ORDERED** in Chambers, in West Palm Beach, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
HONORABLE DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE

cc: All counsel of record



**From:** [cmecfautosender@flsd.uscourts.gov](mailto:cmecfautosender@flsd.uscourts.gov)  
**To:** [flsd\\_cmecf\\_notice@flsd.uscourts.gov](mailto:flsd_cmecf_notice@flsd.uscourts.gov)  
**Subject:** Activity in Case 9:12-cv-80486-DMM Perlman, Esq. v. Regency Realty Group, Inc. Motion for Miscellaneous Relief  
**Date:** Monday, June 18, 2012 2:48:51 PM

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**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

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**U.S. District Court  
Southern District of Florida**

**Notice of Electronic Filing**

The following transaction was entered by Tucker, John on 6/18/2012 at 2:47 PM EDT and filed on 6/18/2012

**Case Name:** Perlman, Esq. v. Regency Realty Group, Inc.  
**Case Number:** [9:12-cv-80486-DMM](#)  
**Filer:** Regency Realty Group, Inc.  
**Document Number:** [14](#)

**Docket Text:**

**[Agreed MOTION Regarding Initial Scheduling Conference, Scheduling Order and Trial Date by Regency Realty Group, Inc.. \(Attachments: # \(1\) Affidavit Affidavit in Support of Defendant's Agreed Motion Regarding Initial Scheduling Conference, Scheduling Order and Trial Date, # \(2\) Text of Proposed Order Proposed Order Granting Defendant's Agreed Motion Regarding Initial Scheduling Conference, Scheduling Order and Trial Date\)\(Tucker, John\)](#)**

**9:12-cv-80486-DMM Notice has been electronically mailed to:**

Carmen Contreras-Martinez [ccontreras@gjb-law.com](mailto:ccontreras@gjb-law.com), [eserres@gjb-law.com](mailto:eserres@gjb-law.com), [gjbecf@gjb-law.com](mailto:gjbecf@gjb-law.com)

David Charles Cimo [dcimo@gjb-law.com](mailto:dcimo@gjb-law.com), [dsanchez@gjb-law.com](mailto:dsanchez@gjb-law.com), [gjbecf@gjb-law.com](mailto:gjbecf@gjb-law.com)

David Paul Lemoie [dlemoie@gjb-law.com](mailto:dlemoie@gjb-law.com), [gjbecf@gjb-law.com](mailto:gjbecf@gjb-law.com)

John Andrew Tucker , IV [jtucker@foley.com](mailto:jtucker@foley.com), [jbarr@foley.com](mailto:jbarr@foley.com)

**9:12-cv-80486-DMM Notice has not been delivered electronically to those listed below and will be provided by other means. For further assistance, please contact our Help Desk at 1-888-318-2260.:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1105629215 [Date=6/18/2012] [FileNumber=10196767-0] [3b607c3a5633a4f636743a9044f443bd46bceb61813c69bd04cfd672a4958d48fec7d50ed7cac1ec71e57234bd3b2275f21169e0876bcc62296c8c994f201fab]]

**Document description:**Affidavit Affidavit in Support of Defendant's Agreed Motion Regarding Initial Scheduling Conference, Scheduling Order and Trial Date

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1105629215 [Date=6/18/2012] [FileNumber=10196767-1] [667c1f4ed3235db6c362699f7b4755362e0736229ead6f4e9afd84c7d9b31fa46e3a785502aa5c3713b023b2c650f8cb1353d6e7dedc34f8ed7edafaf5206d87]]

**Document description:**Text of Proposed Order Proposed Order Granting Defendant's Agreed Motion Regarding Initial Scheduling Conference, Scheduling Order and Trial Date

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1105629215 [Date=6/18/2012] [FileNumber=10196767-2] [0a885ca56524ac58b3623cb1768ac101c2fb05053d553f8ce08161f93d4a728744805fa1ef19aed3e65ec2267b306a1c7ef89ee348f74abe5fa2305b1fabf13e]]