

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
(WEST PALM BEACH DIVISION)

**CASE NO. 11-80331-CIV-HURLEY/HOPKINS**

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

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

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**NOTICE OF APPEAL**

Notice is hereby given that Plaintiff Jonathan E. Perlman, Esq., the court-appointed Receiver (the "Receiver") of Creative Capital Consortium, LLC, A Creative Capital Concept\$, LLC, United Investment Club, LLC, Reverse Auto Loan, LLC, Wealth Builders Circle, LLC, The Dream Makers Capital Investment, LLC, G\$ Trade Financial, Inc. and Unity Entertainment Group, Inc., (collectively, the "Receivership Entities"), hereby appeals to the United States Court of Appeals for the Eleventh Circuit from the Order Denying Motion for Reconsideration and Denying as Moot Motion to Strike and Motion for Extension of Time entered by this Court on July 2, 2012.<sup>1</sup> [ECF No. 94].

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<sup>1</sup> The Receiver filed a motion for reconsideration of the Court's Order of May 23, 2012 [ECF No. 76], pursuant to Fed. R. Civ. P. 59(e), and alternatively under Fed. R. Civ. P. 60(b) in the event the court found the Rule 59(e) motion was not timely filed. [ECF No. 84]. The Receiver filed a corrected motion for reconsideration later that same day. [ECF No. 85]. The Court's Order of July 2, 2012 denied the Receiver's two motions for reconsideration.

Dated: July 24, 2012

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 24, 2012, 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 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/W. Barry Blum  
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**SERVICE LIST**

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CASE NO. 11-80331-CIV-HURLEY/HOPKINS  
United States District Court, Southern District of Florida**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-80331-CV-HURLEY/HOPKINS

JONATHAN E. PERLMAN,

Plaintiff,

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Defendant.

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**ORDER DENYING MOTION FOR RECONSIDERATION AND DENYING AS  
MOOT MOTION TO STRIKE AND MOTION FOR EXTENSION OF TIME**

**THIS CAUSE** is before the Court upon Plaintiff's Motion for Reconsideration [ECF No. 84] and Corrected Motion for Reconsideration [ECF No. 85] filed pursuant to Fed. R. Civ. P. 58(3), and Defendant's corresponding Motion to Strike [ECF No. 89] and Motion for Extension of Time to File an Opposition to the Motions for Reconsideration [ECF No. 90].

The Court granted Defendant's motion to dismiss with prejudice and entered final judgment on May 23, 2012. Under Rule 59(e), "[a] motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment." Under Rule 6(b), the Court may not extend this deadline. *See also Green v. Drug Enforcement Admin.*, 606 F.3d 1296, 1299 (11th Cir. 2010). Thus, any motion for reconsideration must have been filed by June 20, 2012.

Plaintiff filed the instant motions for reconsideration in the early morning of June 21, 2012. Thus, the motions are untimely, and the Court is without jurisdiction to extend the deadline. Had the motions been filed within the deadline, the Court would have been inclined to reconsider its order dismissing Plaintiff's claim *with prejudice* in light of the new allegations in Plaintiff's

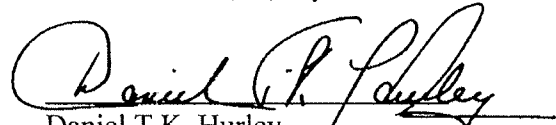
proposed Second Amended Complaint. These allegations were first presented to the Court in the motions for reconsideration and go well beyond the conclusory allegations and allegations of suspicious activities and red flags in the First Amended Complaint. However, because Plaintiff did not file the motions for reconsideration within the twenty-eight-day deadline specified in the Rules, the Court is simply unable to consider them, and they must therefore be denied.<sup>1</sup>

Because the Court is denying the motions for reconsideration for want of jurisdiction, the Court will deny as moot Defendant's motion to strike and motion to extend the deadlines to oppose the motions for reconsideration.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that:

1. Plaintiff's Motion for Reconsideration [ECF No. 84] and Corrected Motion for Reconsideration [ECF No. 85] are **DENIED**.
2. Defendant's Motion to Strike [ECF No. 89] and Motion for Extension of Time to File an Opposition to the Motions for Reconsideration [ECF No. 90] are **DENIED AS MOOT**.

**DONE** and **SIGNED** in Chambers at West Palm Beach, Florida this <sup>h</sup>29 day of June, 2012.

  
Daniel T.K. Hurley  
United States District Judge

*Copies provided to counsel of record*

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<sup>1</sup>In addition, the Court notes that Plaintiff has subsequently filed a notice of appeal, which divests the Court of jurisdiction over aspects of the case involved in the appeal. *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982).