

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

CASE NO. 09-81226-CIV- HURLEY
(Ancillary Proceeding to U.S.D.C. Case No. 08-81565-CIV-HURLEY/HOPKINS)

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

Plaintiff,

v.

DEVELOPMENT FUNDING AND
SERVICES, LLC, DANIEL LAVAN, JR. and
CAROLYN LAVAN,

Defendants.

**MOTION FOR CLERK'S DEFAULT AGAINST DEFENDANT
DEVELOPMENT FUNDING AND SERVICES, LLC**

Plaintiff, Jonathan E. Perlman, as court appointed Receiver of Creative Capital Consortium, LLC, et al., by and through undersigned counsel, hereby files this Motion for Entry of Clerk's Default against Defendant DEVELOPMENT FUNDING AND SERVICES, LLC, ("Defendant") and states in support thereof as follows:

1. Plaintiff caused Defendant to be duly served with the Summons and Complaint in this matter on September 3, 2009. (DE 11).
2. On October 27, 2009, Plaintiff filed his Motion for Leave to File Amended Complaint. (DE 5). On this date, a copy of the Motion and the Amended Complaint was duly served upon counsel for the Defendant.
3. The Court entered its Order Granting Plaintiff's Motion for Leave to Amend

Complaint and deeming the Amended Complaint (DE 5-2) filed as of January 14, 2010. (DE 13).

4. Defendant has failed to respond to or answer the Amended Complaint as required by law.

5. Plaintiff respectfully submits that he is entitled to the entry of a Clerk's default against defendant pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

6. Plaintiff has served a copy of this motion upon the Defendant's counsel via electronic filing.

WHEREFORE, Plaintiff respectfully requests the Clerk of this Court to enter a default against Defendant, Development Funding and Services, LLC.

Dated: May 6, 2010
Miami, Florida

Respectfully submitted,

By: s/ David P. Lemoie
David C. Cimo (FBN 775400)
dcimo@gjb-law.com
David P. Lemoie (FBN 188311)
dlemoie@gjb-law.com
Genovese Joblove & Battista, P.A.
100 Southeast Second Street, 44th Floor
Miami, Florida 33131
Tel: (305) 349-2300
Fax: (305) 349-2310
Attorneys for Receiver,
Jonathan E. Perlman, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2010, the foregoing document was electronically filed 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 below 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.

s/ David Lemoie
David Lemoie, Esq.

SERVICE LIST

**JONATHAN E. PERLMAN, ESQ., as court appointed Receiver of Creative Capital Consortium, LLC, et al. v. DEVELOPMENT FUNDING AND SERVICES, LLC, DANIEL LAVAN, JR. and CAROLYN LAVAN
CASE NO. 09-81226-Civ-Hurley/Hopkins
United States District Court, Southern District of Florida**

David C. Cimo, Esq.

dcimo@gjb-law.com

David P. Lemoie, Esq.

dlemoie@gjb-law.com

GENOVESE JOBLOVE & BATTISTA, P.A.

Bank of America Tower, 44th Floor

100 Southeast Second Street

Miami, FL 33131

Telephone: (305) 349-2300

Facsimile: (305) 349-2310

Attorneys for Plaintiff Jonathan E. Perlman, Esq.

Via CM/ECF

Earnest DeLoach, Esq.

earnest@deloachlaw.com

DeLoach Law LLC

37 North Orange Avenue, Suite 500

Orlando, Florida 32801

Telephone: (407) 926-4037

Facsimile: (407) 926-4051

*Attorney for Defendants Development Funding & Services, LLC,
and Daniel Lavan, Jr.*

Via CM/ECF

10061-031/029