

**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-DTKH

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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**STIPULATED MOTION TO REMOVE CASE FROM JURY CALENDAR  
AND SET ON A NON-JURY CALENDAR**

Plaintiff, Jonathan Perlman as receiver for Creative Capital Consortium, LLC, Defendant, Regency Realty Group, Inc., and Third-Party Defendants, Thomas Weisz, Barbara Kramer, Lawrence Kramer, and Carlos Bonilla, by and through their undersigned counsel, hereby move the Court to remove this case from the jury calendar, reschedule this case on the non-jury calendar, and provide the parties with a date certain for trial. In support thereof the parties state as follows:

1. On May 2, 2012, Plaintiff filed suit Defendant alleging claims for Fraudulent Transfer (Counts I and II), Conversion (Count III), Unjust Enrichment (Count IV), and for

Imposition of a Construction Trust or Equitable Lien (Count V). (Doc. 1). Plaintiff did not demand a jury trial.

2. On June 8, 2012 Defendant filed its Answer and Affirmative Defenses to Plaintiff's Complaint. (Doc. 9). Defendant did not demand a jury trial.

3. On June 8, 2012, Defendant filed a Third-Party Complaint for Indemnity based upon certain guaranties executed by Third-Party Defendants. (Doc. 10). Defendant did not demand a jury trial.

4. On July 13, 2012, Third-Party Defendants Thomas Weisz, Barbara Kramer, Lawrence Kramer, and Carlos Bonilla filed Third-Party Defendants' Answer and Affirmative Defense to Third-Party Complaint. (Doc. 18). Third-Party Defendants demanded a jury trial.

5. However, each of the guaranties executed by Third-Party Defendants contain a waiver of jury trial. When contacted about this waiver, Third-Party Defendants recognize the waiver and agree that this matter should be set for a non-jury trial.

6. Therefore, the parties hereby agree and stipulate that this matter should be set for a non-jury trial.

7. Pursuant to the Court's Order Resetting Trial Date and Discovery Deadlines, this matter is currently set for a jury trial during the April-May 2013 Trial Calendar. (Doc. 22)

8. Therefore, the parties move that this Court remove this case from the jury calendar, reschedule this case on the non-jury calendar, and provide the parties with a date certain for trial.

9. The parties makes this request in good faith and not for the purposes of delay.

10. Pursuant to Local Rule 7.1 a proposed order is attached as Exhibit A.

WHEREFORE, Plaintiff, Defendant, and Third-Party Defendants respectfully move this remove this case from the jury calendar, reschedule this case on the non-jury calendar, and provide the parties with a date certain for trial.

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**ORDER GRANTING STIPULATED MOTION TO REMOVE CASE FROM JURY  
CALENDAR AND SET ON A NON-JURY CALENDAR**

THIS MATTER, having come before the Court upon the parties' Stipulated Motion to Remove Case from Jury Calendar and Set on a Non-Jury Calendar (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. The above matter is hereby set for trial before the Honorable Daniel K. Hurley, United States District Court at 701 Clematis Street, Second Floor, Courtroom 5, West Palm

Beach, Florida, commencing on \_\_\_\_\_. The Status Conference/Calendar call will be held on \_\_\_\_\_.

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

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HONORABLE DANIEL T. K. HURLEY  
UNITED STATES DISTRICT JUDGE

cc: All counsel of record