

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
West Palm Beach Division
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Case No. 09-80190-HURLEY/ROSENBAUM

JONATHAN E. PERLMAN, Esq., as court-)
appointed Receiver of Creative Capital)
Consortium, LLC et al.,)
)
Plaintiff,)
v.)
)
CAPTIN CONSTRUCTION GROUP, INC.,)
a Georgia corporation,)
)
Defendant.)
)

**DEFENDANT CAPTIN CONSTRUCTION'S OPPOSITION TO
PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT**

Defendant Captin Construction Group, Inc. ("Defendant") hereby opposes Plaintiff's Motion for Leave to Amend Complaint [DE # 39], and in support hereof states:

1. On February 13, 2009, Plaintiff filed a Complaint to Avoid and Recover alleged Fraudulent Transfers and for Other Relief.
2. On June 9, 2009, Defendant filed its Answer and Affirmative Defenses [DE # 10].
3. On June 16, 2009, this Court entered an Order Setting Trial Date and Discovery Deadlines, Referring Case to Mediation & Referring Discovery to United States Magistrate Judge [DE # 14].
4. In spite of the time elapsed and the fact that the case has been placed on the Trial Docket, which Calendar Call is scheduled for February 19, 2010, the Plaintiff

filed a Motion for Leave to Amend Complaint (“Motion”) seeking to add parties, claims, and alter the trial schedule previously ordered by the Court [DE # 39].

5. Said Motion is untimely and without sufficient basis to justify re-starting the litigation, which “cause for justice” is required by Rule 15, Federal Rules of Civil Procedure.

WHEREFORE, Defendant Captin Construction respectfully requests the Court deny the Motion for Leave to Amend Complaint, and to provide such other and further relief as the Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed a true and correct copy of the foregoing document using the CM/ECF system and that copies of same, together with proof of filing, will be served by Electronic Mail and to the addressees as indicated below:

Dated: February 8, 2010

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