

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

CASE NO. 10-81612-CIV-HURLEY/HOPKINS

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

Plaintiff,

v.

WELLS FARGO BANK, N.A, as
successor-in-interest to Wachovia Bank, N.A.,

Defendant.

**JOINT MOTION FOR EXTENSION OF TRIAL DATE AND CASE
MANAGEMENT DEADLINES**

Plaintiff, JONATHAN E. PERLMAN, ESQ., as court appointed Receiver for Creative Capital Consortium, LLC, et al. (the “Receivership Entities”), and Defendant, WELLS FARGO BANK, N.A. as successor-in-interest to Wachovia Bank (“Wells Fargo”) (collectively the “Parties”), hereby file this Joint Motion For Extension Of Trial Date And Case Management Deadlines and state as follows:

1. This case is scheduled for the January 2012 Trial Calendar. [DE 14].
2. On April 21, 2011 Wells Fargo filed a Motion to Dismiss Amended Complaint And/Or Motion to Strike Immaterial, Impertinent and Scandalous Matter And Incorporated Memorandum of Law (the “Motion to Dismiss”). [DE 23].
3. On May 23, 2011, the Receiver filed his Response in Opposition to Wells Fargo Bank, N.A.’s Motion to Dismiss Amended Complaint and Incorporated Memorandum of Law. [DE 26].

4. On June 23, 2011, Wells Fargo filed its Reply in Response to Motion to Dismiss Amended Complaint and Incorporated Memorandum of Law [DE 44]. Accordingly, the Motion to Dismiss has been fully briefed.

5. Also on April 21, 2011, in conjunction with filing the Motion to Dismiss, Wells Fargo filed a Motion to Stay Discovery Pending Ruling on Motion to Dismiss (the “Motion to Stay Discovery”) [DE 24]. The Motion to Stay Discovery was granted by order of this Court on July 19, 2011 [DE 45] and discovery in the case is effectively stayed until the Court rules upon the Motion to Dismiss.

6. Given that discovery in this case is stayed, the parties have been unable to proceed in due course in any substantive manner and, subject to the Court’s ruling regarding the Motion to Dismiss, will require additional time to complete discovery, fulfill pretrial requirements, prepare the case for trial, and otherwise comply with the Court’s Order Setting Trial Date and Discovery Deadlines [DE 14].

7. Accordingly, the Parties seek an extension of the trial date and case management deadlines by at least 120 days from the date of this Court’s entry of an order on the Motion to Dismiss.

8. The Parties have conferred and agree to the relief requested herein.

9. Pursuant to Local Rule 7.1(A)(2) a proposed order is attached hereto.

WHEREFORE, the Parties jointly request an Order Extending Trial Date and Case Management Deadlines by at least one hundred twenty (120) days from the date of this Court’s ruling on the Motion to Dismiss, and for such other and further relief as the Court deems just and proper.

Respectfully submitted this 15th day of September 2011.

<p><u>s/David P. Lemoie, Esq.</u> David P. Lemoie (FBN: 188311) dlemoie@gjb-law.com David C. Cimo (FBN: 775400) dcimo@gjb-law.com Carmen Contreras-Martinez (FBN: 093475) Ccontreras@gjb-law.com GENOVESE JOBLOVE & BATTISTA, P.A. Miami Tower, 44th Floor 100 Southeast Second Street Miami, Florida 33131 Phone: (305) 349-2300 Facsimile: (305) 349-2310 <i>Attorneys for Receiver Jonathan E. Perlman, Esq.</i></p>	<p><u>s/ Amy Rubin, Esq.</u> Amy Rubin, Esq. (FBN: 476048) arubin@foxrothschild.com Elliot Aaron Hallak (FBN: 762741) ehallak@foxrothschild.com Fox Rothschild LLP 222 Lakeview Avenue, Suite 700 West Palm Beach, FL 33401 Telephone: (561) 835-9600 Facsimile: (561) 835-9602 <i>Attorneys for Defendant Wells Fargo Bank, N.A.</i></p>
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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on September 15, 2011, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF and is also being served on all counsel of record listed in 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 electronic Notices of Electronic Filing.

By: s/David P. Lemoie, Esq.
David P. Lemoie

SERVICE LIST

**Jonathan E. Perlman, Esq. v. Wells Fargo Bank, N.A.
Case No. 10-81612-CIV-HURLEY/HOPKINS
United States District Court Southern District of Florida**

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