

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
(West Palm Beach Division)**

CASE NO. 12-80486-CIV-HURLEY/HOPKINS

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

Plaintiff,

v.

REGENCY REALTY GROUP, INC.,

Defendant/Third-Party Plaintiff,

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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**PLAINTIFF'S EXPERT WITNESS DISCLOSURE**

Plaintiff, Jonathan E. Perlman, Esq, court-appointed receiver of Creative Capital Consortium, LLC and related entities ("Receiver"), by and through undersigned counsel, pursuant to this Court's Order Granting in Part Motion for Extension of Time to Disclose Expert Witnesses [ECF 57], hereby submits his disclosure of expert witness, and states that the following expert witness may be called to testify at trial in this matter:

**I. Fed. R. Civ. Proc. 26(a)(2)(A)**

Plaintiff states that the following witnesses may be called at trial as experts in this matter to present evidence under Fed. R. Evid. § 702, 703 and/or 705:

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1. Sherry M. Bennett, CPA, CIRA, CFF  
Kapila & Company  
Certified Public Accountants  
1000 South Federal Highway, Suite 200  
Fort Lauderdale, Florida 33316

Ms. Bennett will testify about the insolvency of the Receivership Entities on the date of each of the transfers at issue in this case and the Ponzi scheme effectuated by Theodule as well as the fraudulent transfers made to Regency Realty Group, Inc. in the amount of \$2,440,748.50 as identified in the Receiver's Complaint.

2. Lee A. Wheeler  
Miami Land Company  
Fort Lauderdale, Florida

Mr. Wheeler will testify about the transaction made in connection with the Membership Interest and Purchase Agreement of Regency Suites, I by George Theodule which resulted in fraudulent transfers made to Regency Realty Group, Inc. in the amount of \$2,440,748.50 as identified in the Receiver's Complaint.

3. All experts on the Defendants' expert witness disclosure.
4. Any and all expert witnesses to be used for rebuttal and impeachment purposes.

**II. Fed. R. Civ. Proc. 26(a)(2)(B)**

The report and exhibits thereto of the testimony of the retained expert have been served upon each of the Defendants on January 28, 2013 in accordance with this Court's Order.

**III. Reservation of Rights**

Plaintiff reserves the right to supplement or change this disclosure and report pursuant to Rules 26(a)(2)(D) and 26(d)(2) and the stipulation of the parties.

Discovery is ongoing and additional documents and testimony have yet to be obtained and reviewed by the expert identified herein.

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Dated: January 28, 2013  
Miami, Florida

Respectfully submitted,

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*Attorneys for Receiver Jonathan E. Perlman, Esq.*

**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that on January 28, 2013, 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.

/s/ Carmen Contreras-Martinez  
Attorney

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**SERVICE LIST**

**JONATHAN E. PERLMAN, ESQ., as court appointed Receiver of  
Creative Capital Consortium, LLC, et al. v. Regency Realty Group, Inc.  
CASE NO. 12-80486-CIV-HURLEY/HOPKINS**

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