

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 09-80480-CIV-HURLEY/HOPKINS

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

Plaintiff,

vs.

DOROTHY DELISFORT-THEODULE, et al,

Defendant.

/

**DEFENDANT'S, DOROTHY DELISFORT-THEODULE,
UNOPPOSED MOTION TO CONTINUE TRIAL**

COMES NOW, Defendant, DOROTHY DELISFORT-THEODULE, by and through undersigned counsel, and pursuant to Gen. Rule 7.1 and 7.6, and moves this court for an order continuing the trial of this cause, scheduled for the trial week commencing October 25, 2010, and further requests that any cut-off dates established by prior Joint Scheduling Report and/or prior court order be extended and otherwise deemed to apply to the new trial date given. Defendant's counsel alleges that good cause for this motion is shown by the following:

1. The trial of this cause is scheduled to commence October 25, 2010 at 9:00 A.M.
2. This court recently permitted Defendant's counsel to appear *pro hac vice* as counsel for Defendant DOROTHY DELISFORT-THEODULE.
3. Undersigned counsel has had serious personal family issues recently arise, which has interfered with his ability to prepare for and be present for the presently scheduled trial of this cause.

4. Undersigned counsel also has several professional conflicts which affect his ability to be ready and/or be present for the present trial date as well.

5. As a result, undersigned counsel requires additional time to prepare.

6. The factual basis for the personal issues and professional conflicts referenced above is more particularly set forth in the affidavit of counsel incorporated and attached to this motion as is required by Gen. Rule 7.6.

7. Pursuant to Gen. Rule 7.1 2., a proposed order is attached to this motion.

CERTIFICATE OF GOOD FAITH CONFERENCE

I hereby certify that I, Allan Alberga, counsel for Defendant, DOROTHY DELISFORT-THEODULE, have conferred with opposing counsel for Plaintiff, JOHNATHAN E. PERLMAN, Esq., as court Appointed Receiver of Creative Capital Consortium, LLC, et al, who would be affected by the relief sought in this motion to continue trial, in a good faith effort to resolve the issues raised in the motion, and would state that the Plaintiff is unopposed to the motion to continue the trial of this cause.

s/ Allan Alberga

WHEREFORE, DOROTHY DELISFORT-THEODULE, and Defendant's counsel requests this court enter an order continuing the trial and also extend all cut-off dates this court may have previously imposed.

Respectfully submitted,

s/ Allan Alberga

Allan E. Alberga, Esq., *Pro Hac Vice*
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Pro Hac Vice Attorney for Defendant Delisfort
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CERTIFICATE OF SERVICE

I certify that on October 23, 2010, I served a copy of the foregoing Motion for Continuance to all counsel or parties of record on the attached service list.

s/ Allan Alberga

Allan E. Alberga

Case No.: 09-80480-CIV-HURLEY/HOPKINS

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Via CM/ECF electronic filing

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/

AFFIDAVIT OF ALLAN EARL ALBERGA

COMES NOW, Allan Earl Alberga, Esq., counsel for Defendant, DOROTHY DELISFORT-THEODULE, and pursuant to Gen. Rule 7.1 and 7.6, files this his affidavit in support of Defendant's Unopposed Motion to Continue Trial and showing this court that good cause exists for a continuance, as follows:

I, Allan Earl Alberga, verify that the following is true and correct:

1. I was recently granted permission by this court to appear *pro hac vice* for the limited purpose of representing the Defendant Dorothy Delisfort in this cause. This matter is scheduled for trial on October 25, 2010.

2. During the past ten days I have received notices from various courts in Georgia to appear during the week beginning on that said date. The notices are as follows:

- Monday 25th - State v. Max Bolden – Fulton Co. State #08CR 337011;
- Tuesday 26th – Estelus v. Jeune – Gwinnett Superior # 10A 06148;
- Thursday 28th – Immigration – Marlene Blake;

•Friday 29th – Murphy v. Murphy - Clayton Co. Superior #09DR 03170.

3. As a sole practitioner, I have no one else ready to stand in my place to appear in these matters, and while I understand the primacy of the federal jurisdiction, at least two of the above are resets.

4. As a further complication, I am hosting two of my daughters in Atlanta for a limited time, one of whom is seeking continued medical treatment for cancer. I am trying to establish the contacts.

5. Due to the above, I have not had sufficient time to confer with my client and prepare this cause for trial.

6. I will not have the time or the frame of mind to properly prepare for this case.

7. Therefore, in the pursuit of justice, I am requesting more time to prepare.

8. I have communicated my dilemma to opposing counsel.

s/ Allan Alberga

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**PROPOSED ORDER GRANTING
DEFENDANT'S, DOROTHY DELISFORT-THEODULE,
UNOPPOSED MOTION TO CONTINUE TRIAL**

This cause, having come on to be considered as to Defendant's, DOROTHY DELISFORT-THEODULE, Unopposed Motion to Continue Trial scheduled to commence on October 25, 2010, and this Court having examined the motion as well as the supporting affidavit of Defendant's counsel, it is

ORDERED AND ADJUDGED that Defendant's, DOROTHY DELISFORT-THEODULE, Unopposed Motion to Continue Trial commencing on October 25, 2010 is hereby GRANTED. The parties shall be informed of the date of the rescheduled trial by separate Order.

DONE AND ORDERED in _____, Florida on this ____ day of _____,
2010.

UNITED STATES DISTRICT COURT JUDGE

copies provided to:

Allan E. Alberga, Esq.
Michael Garcia Petit, Esq.
David C. Cimo, Esq.
David P. Lemoie, Esq.
Carmen Contreras-Martinez, Esq.