

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

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

**JONATHAN E. PERLMAN, as court-appointed
Receiver of CREATIVE CAPITAL
CONSORTIUM, LLC, et al.,**

Plaintiff,

v.

REGENCY REALTY GROUP, INC.,

Defendant/Third-Party Plaintiff,

v.

THOMAS WEISZ, et al.,

Third-Party Defendants.

ORDER ON NOTICE OF SETTLEMENT

THIS CAUSE is before the Court upon Plaintiff's Notice of Settlement [ECF No. 78]. In the Notice, Plaintiff advises the Court that he has reached a settlement with Defendant Regency Realty Group, Inc. and that he expected to submit the settlement for the Court's approval by March 10, 2013. The Notice states also that Defendant's third-party claims against Thomas Weisz, Barbara Kramer, Lawrence Kramer, Carlos Bonilla, and George Theodule (the "Third-Party Defendants") are unaffected by the settlement.


In light of this information, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. Plaintiff's Motion for Leave to File Sur-Reply in Response to Defendant's Reply in Support of Its Motion for Summary Judgment [ECF No. 77] is **DENIED AS**

MOOT.

2. Plaintiff and Defendant Regency Realty Group, Inc. are **DIRECTED TO FILE** no later than **Friday, March 15, 2013** either
 - (a) the proposed settlement referred to in the Notice, or
 - (b) a status update including the parties' revised expectation for if and when and proposed settlement will be submitted
3. The parties' cross-motions for summary judgment [ECF No. 38, 40] will be **HELD IN ABEYANCE** pending compliance with this Order.
4. The parties to the third-party action are **DIRECTED TO FILE** a status report indicating their expectations regarding settlement and their preparedness for trial no later than **Friday, March 15, 2013**.
5. The parties to any actions for which a proposed settlement is not filed must be prepared to appear at the previously scheduled Calendar Call on **March 21, 2013** and to proceed to trial as directed by the Court at the Calendar Call. The parties are of course free to settle their claims at any time, but until a proposed settlement is filed, the parties must continue to comply with the Court's deadlines and be prepared for trial.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this 13th day of March, 2013.


Daniel T. K. Hurley
United States District Judge

Copies provided to counsel of record