

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

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

CASE NO. 11-80331-CIV/HURLEY

Plaintiff,

vs.

BANK OF AMERICA, N.A.,

Defendant.

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**UNOPPOSED MOTION FOR TWO WEEK EXTENSION FOR CERTAIN PRETRIAL  
DEADLINES**

Defendant, Bank of America, N.A. (“Bank of America”), by and through its undersigned counsel, hereby files this Motion for Extension of Time of Pretrial Deadlines. Bank of America is seeking a two week extension of certain upcoming deadlines and is not seeking to move the trial date. In support of this motion, Bank of America states as follows:

1. Plaintiff (“Receiver”) initiated this action on March 23, 2011. [Dkt. 1]
2. On January 9, 2012, the Receiver filed his Amended Complaint for Damages and Demand for Jury Trial (“Amended Complaint”). [Dkt. 57]. Thereafter, Bank of America filed a motion to dismiss the Amended Complaint, which is fully briefed and pending.
3. On March 14, 2012, this Court entered an Order Re-Setting Trial Dates & Discovery Deadlines (“March Rescheduling Order”). [Dkt. 73].
4. Under the March Rescheduling Order, there are a number of pretrial deadlines set for the near future, including a fact and expert discovery cutoff date of May 25, 2012 and a June 15, 2012 deadline for summary judgment motions. Bank of America would like to extend these deadlines by two weeks, in addition to extending the expert disclosure date to May 25, 2012.

5. The Parties are and have been actively engaged in discovery, including written discovery and depositions, and are working amicably and in good faith towards the completion of discovery. Both Parties have exchanged requests for production of documents, and both Parties have responded and produced documents pursuant to the requests for production. Four fact witness depositions and the 30(b)(6) depositions directed to Defendant have been completed. The Parties are currently scheduling additional fact witness depositions as well as a deposition for a number of Rule 30(b)(6) topics directed to the Receiver. The parties would like to try to complete these additional depositions prior to submitting expert disclosures.

6. Based upon the foregoing, Defendant respectfully requests a two week extension of the fact and expert discovery cutoff date, as well as the deadline for summary judgment motions so that the Parties have sufficient time to conduct discovery and prepare the case for trial, and so that the Court has sufficient time to make a determination as to the disposition of potentially dispositive motions. Accordingly, the new deadlines would be as follows:

May 25, 2012: Expert disclosures

June 15, 2012: Fact and Expert discovery to be completed

June 30, 2012: Summary judgment motions due

All other deadlines set forth in the March Scheduling Order would remain the same.

7. On May 10, 2012, Michael R. Josephs, counsel for the Receiver, advised that the Receiver does not oppose the brief extensions of the deadlines, as set forth in this Motion.

8. The Receiver has not opposed this motion for extension.

9. This motion has not been interposed for delay and will not prejudice any Party, but will allow the Parties and the Court sufficient time to decide the case on the merits.

WHEREFORE, Defendant, Bank of America, N.A., respectfully requests to extend the fact and expert disclosure and discovery cutoff date and the summary judgment motions deadline by fourteen days from the current deadlines, and to grant such other and further relief as is just and proper.

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(3)**

I HEREBY CERTIFY that on May 10, 2012, in accordance with Local Rule 7.1(a)(3), Mary J. Hackett, counsel for Defendant, conferred with Michael R. Josephs, counsel for the Receiver, and counsel for the Receiver advised that the Receiver does not oppose the brief extensions of the deadlines, as set forth in this Motion.

Date: May 10, 2012

Respectfully submitted,

/s/Dora F. Kaufman

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 10th day of May, 2012, I electronically caused the foregoing document to be filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/Dora F. Kaufman  
DORA F. KAUFMAN

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**ORDER**

THIS CAUSE, having come before the Court by Defendant Bank of America's Unopposed Motion for Two Week Extension for Certain Pretrial Deadlines and the Court having considered the Motion and other pertinent portions of the record, and good cause appearing, it is hereby

ORDERED AND ADJUDGED that:

1. Bank of America, N.A.'s Unopposed Motion for Two Week Extension for Certain Pretrial Deadlines is GRANTED.

2. The new pre-trial deadlines are as follows:

May 25, 2012: Expert disclosures

June 15, 2012: Fact and Expert discovery to be completed

June 30, 2012: Summary judgment motions due

3. All other deadlines set forth in this Court's Order of March 14, 2012 (Docket No. 73) shall remain in full force and effect.

DONE AND ORDERED in Chambers at West Palm Beach, Florida on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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DANIEL T.K. HURLEY  
UNITED STATES DISTRICT JUDGE

Copies to:  
All counsel of record