

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO. 09-CV-22327-HURLEY/HOPKINS

JONATHAN E. PERLMAN, ESQ.)
as court appointed Receiver of Creative)
Capital Consortium, LLC, et al.)
)
Plaintiff,)
)
vs.)
)
JEAN DUPRE, an individual,)
)
Defendant.)
_____)

**DEFENDANT’S SECOND UNOPPOSED MOTION FOR ENLARGEMENT OF TIME
TO RESPOND TO PLAINTIFF’S COMPLAINT AND INCORPORATED
MEMORANDUM OF LAW**

Defendant, Jean Dupre, (“Defendant”) by and through undersigned counsel, and pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 7.1, hereby moves for an second enlargement of time until December 1, 2009, to respond to the Complaint filed by the Plaintiff, Jonathan E. Perlman, as court appointed Receiver of Creative Capital Consortium, LLC, et al. (“Plaintiff” or the “Receiver”), and states as follows:

1. On August 6, 2009, the Receiver filed a Complaint against Defendant alleging claims for, among other things, fraudulent transfer and unjust enrichment. Defendant was served on or about August 26, 2009.

2. The Receiver's counsel provided Plaintiff an extension of time to engage counsel and respond to the Receiver's Complaint. Plaintiff engaged the undersigned on October 1, 2009.

3. On October 5, 2009, Receiver graciously agreed to provide the undersigned with an extension of time to respond to the Receiver's Complaint. The undersigned requested, and the Court provided, Defendant Dupre until October 26, 2009.

4. In light of the complexities of the subject matter involved in the instant action, the breadth of documents involved, and the gravity of the allegations, Defendant seeks an additional enlargement of time, until December 1, 2009, in which to respond to the Receiver's complaint.

5. Defendant is not seeking this relief in order to delay the proceedings or prejudice the Receiver. Rather, Defendant seeks this enlargement of time in order to be able to consult more fully with the undersigned counsel and allow the undersigned to speak and exchange documents with the Receiver.

6. A proposed Order granting the instant motion is attached as Exhibit A.

Certificate of Counsel

7. Pursuant to S.D. Fla. L.R. 7.1, prior to filing this motion, the undersigned conferred with Harris Koroglu, Esq., an attorney representing the Receiver, who stated that he would not oppose the relief requested.

WHEREFORE, Defendant, by and through their undersigned counsel, hereby requests that the Court enter an Order, substantially in the form attached hereto:

- (A) Granting this motion seeking an extension of time until Monday, December 1, 2009 for Defendant to serve a response to the Complaint;
and
- (B) Entering such other further relief as the Court deems necessary and proper.

Respectfully submitted,

SALLAH & COX, LLC
ATTORNEYS FOR DEFENDANT

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s/ Joshua A. Katz

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 2, 2009, I filed the foregoing electronically with the Clerk of the Court by using the CM/ECF system and also served the foregoing by U.S. Mail to all counsel on the attached Service List.

SERVICE LIST

David C. Cimo, Esq.
Harris J. Koroglu, Esq.
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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 09-CV-22327-HURLEY/HOPKINS

JONATHAN E. PERLMAN, ESQ.)
as court appointed Receiver of Creative)
Capital Consortium, LLC, et al.)
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Plaintiff,)
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vs.)
)
JEAN DUPRE, an individual,)
)
Defendant.)
)
)
)
)

[PROPOSED] ORDER ON DEFENDANT’S SECOND UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFF’S COMPLAINT

This cause comes before the Court upon Defendant Jean Dupre’s (“Defendant”) second motion for an extension of time to respond to the Complaint until December 1, 2009. The Court has reviewed the record and is fully advised in the premises. Accordingly, it is:

ORDERED AND ADJUDGED that Defendant’s motion for an extension of time to respond to the Complaint is **GRANTED** and Defendant’s response to the Complaint shall be due on December 1, 2009.

ONE AND ORDERED in Chambers at Miami, Florida, this _____ day of October,
2009.

THE HONORABLE DANIEL T. K. HURLEY
UNITED STATES DISTRICT JUDGE

Copies to counsel of record.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 5, 2009, I filed the foregoing electronically with the Clerk of the Court by using the CM/ECF system and also served the foregoing by U.S. Mail to all counsel on the attached Service List.

SERVICE LIST

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