

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

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

Plaintiffs,

v.

REGENCY REALTY GROUP, INC.,

Defendant/Third-Party Plaintiff,

CASE NO.: 12-cv-80486-DMM

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.

DEFENDANT REGENCY REALTY GROUP, INC.'S
RULE 26 DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Defendant/Third-Party Plaintiff, Regency Realty Group, Inc., (“Defendant” or “Regency Realty”), by and through its undersigned counsel, hereby makes the following disclosures. These Initial Disclosures are based on information reasonably available to Defendant at this time. Defendant’s investigation into these matters is ongoing. Defendant reserves the right to supplement or amend these Initial Disclosures as discovery and investigation proceed. Additionally, these Initial Disclosures are made with the understanding that Defendant cannot anticipate all the positions that Plaintiff may take in this case.

Defendant makes these Initial Disclosures without waiving in any manner: (1) the right to object on any basis permitted by law to the use of any Initial Disclosure information contained herein for any purpose in any subsequent proceeding in this or any other action; and (2) the right to object on any basis permitted by law to any discovery request or proceeding involving or related to the subject matter of these Initial Disclosures.

A. The name, and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information:

Paul Maxwell, Regency Realty Group, Inc., c/o the undersigned counsel is believed to have knowledge regarding the sale of the real property located in Orlando, Florida, the related loan documents, and payments made in conjunction with the loan documents.

Dave McNulty, former employee of Regency Realty Group, Inc., One Independent Drive, 10th Floor, MAC Z3094-100, Jacksonville, Florida 32202, (904) 351-7347, is believed to have knowledge regarding the sale of the real property located in Orlando, Florida, the related loan documents, and payments made in conjunction with the loan documents.

John R. "B.J." Ibach, Esq., Rogers Towers, P.A., 1301 Riverplace Boulevard, Suite 1500, Jacksonville, Florida 32207, (904) 346-551, is believed to have knowledge regarding the sale of the real property located in Orlando, Florida, the related loan documents, and payments made in conjunction with the loan documents.

Third-Party Defendants, Thomas Weisz, Barbara Kramer, Lawrence Kramer, Carlos Bonilla are believed to have knowledge regarding the sale of the real property located in Orlando, Florida, the related loan documents, and payments made in conjunction with the loan documents.

Third-Party Defendant George Theodule is believed to have knowledge regarding the sale of the real property located in Orlando, Florida, the related loan documents, and payments made in conjunction with the loan documents.

Lawyers at Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A., 800 North Magnolia Avenue, Suite 1500, Orlando, Florida 32803, (407) 841-1200, are believed to have knowledge regarding the sale of the real property located in Orlando, Florida, the related loan documents, and payments made in conjunction with the loan documents.

Gabrielle Alexis 4613 N University Dr # 558, Coral Springs, Florida 33067, 954.6074214, is believed to have knowledge regarding the sale of the membership interested in Regency Suites I, LLC, amendments to the loan documents, and payments made in conjunction with the loan documents

German Cardona Soler, citizen of Spain and domicile of Panama, is believed to have knowledge regarding the sale of the membership interested in Regency Suites I, LLC, amendments to the loan documents, and payments made in conjunction with the loan documents.

All witnesses identified by Plaintiff

All witnesses identified by Third-Party Defendants

B. Documents (A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment). Defendant and/or its attorneys have custody and control of the following categories of documents that it may use to support its defenses:

<u>Description of Category</u>	<u>Location</u>
Loan documents related to the sale of the real property located in Orlando, Florida, and all subsequent modifications, amendments, extensions, and/or renewals related thereto.	Documents are in the possession of Regency Realty.
Payments received in conjunction with the loan documents	Documents are in the possession of Regency Realty.
Correspondence and related information regarding the sale of the membership interested in Regency Suites I, LLC, amendments to the loan documents, and payments made in conjunction with the loan documents.	Documents are in the possession of Regency Realty.
Pleadings, discovery, settlement documents, and other documents filed in other proceedings by the Plaintiff against other parties related to these same matters.	Documents are located in the individual court files.

C. Damages (a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered).

To the extent Regency Realty has liability to Plaintiff, which Regency Realty denies, Regency Realty is entitled to indemnity from the Third-Party Defendants. Specifically, the Third-Party Defendants are jointly and severally liable to Regency Realty for any damages

suffered by reason of the claims asserted by Plaintiff against the Regency Realty, and for the attorney's fees, costs and expenses it incurs defending Plaintiff's claims and prosecuting this Third-Party Complaint.

D. Insurance Agreements (for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment).

Regency Realty has submitted a claim to its insurer regarding the allegations set forth in the Complaint. Regency has not yet received confirmation or denial of insurance coverage. Regency Realty will provide a copy of its relevant insurance policies for inspection and copying at a mutually agreeable time and place and at the request of the Plaintiff.

Foley & Lardner LLP



John A. Tucker

Florida Bar No. 0356123

jtucker@foley.com

Amber L. Rumancik

Florida Bar No. 0044888

arumancik@foley.com

Foley & Lardner LLP

One Independent Drive, Suite 1300

Jacksonville, FL 32202-5017

Telephone: 904.359.2000

Facsimile: 904.359.8700


Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to counsel listed below via U.S. mail on July 3rd, 2012:

David Charles Cimo, Esq.
David P. Lemoie, Esq.
Carmen Contreras-Martinez, Esq.
Genovese, Joblove & Battista, P.A.
100 S.E. 2nd Street, Suite 4400
Miami, Florida 33131
Attorney for Plaintiff

Shyamie Dixit
Dixit Law Firm
6921 Pistol Range Rd., Ste. 103
Tampa, FL 33635
Attorney for Third-Party Defendants Thomas
Weisz, Barbara Kramer, Lawrence Kramer,
and Carlos Bonilla



Attorney