

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

ABC VIATICALS, INC.
C. KEITH LA MONDA
JESSE W. LA MONDA, JR.

Defendants,

and

LAMONDA MANAGEMENT FAMILY LIMITED
PARTNERSHIP,
STRUCTURED LIFE SETTLEMENTS, INC.
BLUE WATER TRUST, and
DESTINY TRUST,

Relief Defendants.

Civil Action No.

3-06-CV-2136-P

**MOTION OF DONALD S. KAPLAN TO DISMISS MOTION FOR SHOW CAUSE
HEARING AND REQUEST FOR EXPEDITED HEARING**

DONALD S. KAPLAN, named in the Motion for Show Cause Hearing as a party allegedly in possession of assets of the receivership estate, moves this court for an Order under Federal Rules of Civil Procedure Rule 12(b)(2) Dismissing the Motion for Show

Cause Hearing filed by Receiver Michael Quilling.

The grounds of the motion are as follows:

1. There is a lack of minimum contacts between the forum, and the forum state, and Donald S. Kaplan, and the exercise of personal jurisdiction is not fair and reasonable under the facts and circumstances of the case such that the imposition of personal jurisdiction over him violates the Due Process Clause of the Fifth Amendment to the United States Constitution.

2. The service of the motion provided unreasonably insufficient information regarding the nature of the proceedings against him, the time within which he must respond, the place whereat he must respond, the consequences of his failure to respond, and that a judgment or other relief may be entered against him should he fail to respond. The deficiency of information is so unreasonable as to deprive Kaplan of constitutionally mandated notice of the proceedings against him, and is a violation of the due process clause of the Fifth Amendment to the United States Constitution.

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WHEREFORE, DONALD S. KAPLAN prays that the motion be granted, and that the Motion for Show Cause Hearing be dismissed.

DATED: June 14, 2007

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By /s/ Richard T. Baum
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CERTIFICATE OF CONFERENCE PRIOR TO FILING OF MOTION

I, RICHARD T. BAUM, do hereby certify that on May 29, 2007, I conferred by telephone with Brent J. Rodine, one of the attorneys for Receiver Michael Quilling. We discussed the relief sought by this motion. Mr Rodine stated that there would be opposition to the relief sought herein.

/s/ Richard T. Baum
RICHARD T. BAUM

CERTIFICATE OF SERVICE

I hereby certify that a true of the above instrument has this day been sent by electronic means upon its filing to all parties pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5(a)(3)(A).

SIGNED on June 14, 2007.

/s/ Richard T. Baum
RICHARD T. BAUM