

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

SECURITIES AND EXCHANGE COMMISSION,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 3-06-CV-2136-P
	§	
ABC VIATICALS, INC.	§	ECF
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.	§	
	§	

**MOTION FOR AGREED ORDER PERMITTING THE RECEIVER TO FILE
A SUPPLEMENTAL EXPERT REPORT AND EXTENDING THE DATE FOR
DONALD KAPLAN TO PROVIDE HIS EXPERT DESIGNATION AND REPORT**

TO THE HONORABLE JORGE A. SOLIS, UNITED STATES DISTRICT JUDGE:

COMES NOW Michael J. Quilling, as the Receiver for ABC Viaticals, Inc. and other related entities, (“Receiver”) and files this his motion for an Agreed Order that would (1) give the Receiver until December 28, 2007, to produce a supplemental expert report and (2) give Respondent Donald Kaplan until January 25, 2008, to produce an expert designation and report. In support, the Receiver would respectfully show the Court as follows:

1. On October 22, 2007, the Court entered its Scheduling Order [Doc. No. 101] setting the discovery and pleading dates in this matter. The parties have complied with all deadlines set out in that Scheduling Order.

2. On November 13, 2007, the Receiver produced to Respondent his Designation of Expert Witness along with an expert report according to FED. R. CIV. P. 26(a)(2)(B). Under the Scheduling Order, Respondent's Designation of Expert Witness would have been due on December 11, 2007.

3. As the Receiver's counsel continued to examine source documents in the receivership records, his expert expressed a desire to revise some of the financial data contained in Exhibit 9 of the expert report. At the same time, the Respondent contacted the Receiver to ask if he could clarify the sources and methods used in calculating that same financial data in Exhibit 9.

4. Counsel for the Receiver and Respondent have since agreed that both issues can be addressed if the Receiver's expert is permitted to file a supplemental report. As a result, counsel for both sides conferred on December 11, 2007, and determined that the Receiver's expert should have until December 28, 2007, to produce a supplemental report and that the Respondent should have until January 25, 2008, to produce an expert designation and report. Those dates took into consideration the Christmas and New Year's holidays so that further extensions of time would not be required. Both parties currently believe these extensions will not affect the other discovery deadlines set out in the Scheduling Order.

WHEREFORE, PREMISES CONSIDERED, the Receiver asks that this Court enter the Agreed Order attached as Exhibit 1 that would (1) give the Receiver until December 28, 2007, to produce a supplemental expert report and (2) give Respondent Donald Kaplan until January 25,

2008, to produce an expert designation and report. The Receiver also requests such other and further relief, general or special, at law or in equity, to which he may otherwise be entitled.

Respectfully submitted,

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By: /s/ Brent J. Rodine
Michael J. Quilling
State Bar No.16432300
Brent J. Rodine
State Bar No. 24048770

ATTORNEYS FOR RECEIVER

CERTIFICATE OF CONFERENCE

On December 11, 2007, the undersigned personally participated in a telephone conference with Richard T. Baum, counsel for Respondent Donald Kaplan, and it was determined that the parties would agree to the relief requested in this motion.

/s/ Brent J. Rodine

CERTIFICATE OF SERVICE

A true and correct copy of this motion has been served on all interested parties through the Court's electronic filing system.

/s/ Brent J. Rodine