

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., §

C. KEITH LAMONDA, §

and JESSE W. LAMONDA, JR., §

Defendants §

and §

LAMONDA MANAGEMENT FAMILY §

LIMITED PARTNERSHIP, §

STRUCTURED LIFE SETTLEMENTS, INC., §

BLUE WATER TRUST, §

and DESTINY TRUST §

Relief Defendants. §

**SECOND MOTION FOR AGREED ORDER EXTENDING DISCOVERY
DEADLINES TO ALLOW FOR SETTLEMENT NEGOTIATIONS**

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

COMES NOW Michael J. Quilling as the Receiver for ABC Viaticals, Inc. ("Receiver") and requests that this Court enter the parties' Second Agreed Order extending discovery deadlines to allow for further settlement negotiations with Donald S. Kaplan ("Respondent"). In support of this Motion, the Receiver would respectfully show the Court as follows:

1. On February 7, 2008, the Court entered an Agreed Amended Scheduling Order [Dkt. No. 119] that set March 12, 2008, as the date by which the Receiver and Respondent must complete discovery. That Order also set March 26, 2008, as the date by which both parties must file motions for summary judgment.

2. Since February 5, 2008, counsel for the Receiver and Respondent have participated in a good faith effort to resolve this matter without further court intervention. They originally anticipated working out a final settlement agreement by March 12, 2008. However, it has recently become clear that both sides believe additional time is needed to fully explore the terms of a settlement agreement acceptable to all involved. Accordingly, the Receiver and Respondent now seek an additional 21 days to work towards settlement without enduring the expense of discovery and further litigation.

3. By extending the discovery deadline 21 days, the parties anticipate filing a motion to approve settlement by April 2, 2008, or else have all discovery completed by that date.

4. Accordingly, the parties have prepared the Second Agreed Amended Scheduling Order attached as Exhibit A. That Order would set April 2, 2008, as the date to complete discovery and April 16, 2008, as the date to file motions for summary judgment. All remaining deadlines and hearing would be extended accordingly except for the Summary Judgment Hearing and Show Cause Hearing. Should they prove necessary, the Receiver anticipates that the Court could set those hearings by separate order after the summary judgment motions are fully briefed.

WHEREFORE, premises considered, the Receiver respectfully requests that this Court approve and enter the Second Agreed Amended Scheduling Order attached as Exhibit A and grant such other and further relief, general or special, at law or in equity, to which he may otherwise show himself entitled.

Respectfully submitted,

**QUILLING, SELANDER, CUMMISKEY
& LOWNDS, P.C.**

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By: /s/ Brent Rodine

Michael J. Quilling
State Bar No. 16432300
Brent Rodine
State Bar No. 24048770

ATTORNEYS FOR RECEIVER

CERTIFICATE OF CONFERENCE

According to Local Rule 7.1, the undersigned participated in a telephone conference with Richard Baum, on March 11, 2008. Both parties agree to the relief requested in this motion.

/s/ Brent Rodine

CERTIFICATE OF SERVICE

A copy of this pleading was served on all interested parties through the Court's electronic filing system.

/s/ Brent Rodine