

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. §

**THIRD 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' Third 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 March 13, 2008, the Court entered a Second Agreed Amended Scheduling Order [Dkt. No. 123] that set April 2, 2008, as the date by which the Receiver and Respondent must complete discovery. That Order also set April 16, 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. It then became clear, however, that additional time was needed for Respondent to continue producing private financial records subject to this Court's protective order of March 31, 2008 [Dkt. No. 129]. Following entry of that order, Respondent produced most of those records on April 1, 2008. Additional records are still being gathered and will be produced shortly. Accordingly, the Receiver and Respondent now seek an additional 60 days to work towards settlement without enduring the expense of discovery and further litigation.

3. By extending the discovery deadline 60 days, the parties anticipate filing a motion to approve settlement by May 2, 2008, or else have all discovery completed by that date.

4. Accordingly, the parties have prepared the Third Agreed Amended Scheduling Order attached as Exhibit A. That Order would set June 2, 2008, as the date to complete discovery and June 23, 2008, as the date to file motions for summary judgment. All remaining deadlines would be extended accordingly.

WHEREFORE, premises considered, the Receiver respectfully requests that this Court approve and enter the Third 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 conferred with Richard Baum, on April 8, 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

Exhibit “A”

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ECF

THIRD AGREED AMENDED SCHEDULING ORDER

On this day, the Court considered the Receiver's Third Motion for Agreed Order Extending Discovery Deadlines to Allow for Settlement Negotiations. The Court, having considered the motion, the attached exhibits, the agreed nature of the relief requested, and all pleadings on file is of the opinion that the motion should be GRANTED.

IT IS THEREFORE ORDERED that the Court amends its Second Agreed Amended Scheduling Order of March 13, 2008, as follows:

- 1) All discovery procedures shall be initiated in time to complete discovery by June 2, 2008. Responses to pending discovery requests shall be produced by that date.

2) All dispositive motions, including motions for summary judgment on all or some of the claims, and Daubert motions, and motions to exclude or objections to expert witnesses shall be filed by June 23, 2008. Responses shall be due July 14, 2008. Replies shall be due July 28, 2008.

3) The Summary Judgment Hearing and Show Cause Hearing, if necessary, shall be scheduled by separate order after the summary judgment motions are fully briefed.

Signed this _____ day of April, 2008.

HONORABLE JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE

Approved as to form and content:

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