

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. §

**FOURTH 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' Fourth 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 April 10, 2008, the Court entered a Third Agreed Amended Scheduling Order [Dkt. No. 134] that set June 2, 2008, as the date by which the Receiver and Respondent must complete discovery. That Order also set June 23, 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 began producing records on April 1, 2008. After examining those and other supplemental records, the Receiver's accountant anticipates that additional tax returns and other financial information are needed to evaluate and respond to the current settlement proposal. Accordingly, the Receiver and Respondent now seek an additional 90 days to work towards settlement without enduring the expense of discovery and further litigation.

3. By extending the discovery deadline 90 days, the parties anticipate filing a motion to approve settlement by August 28, 2008, or else have all discovery completed by that date.

4. Accordingly, the parties have prepared the Fourth Agreed Amended Scheduling Order attached as Exhibit A. That Order would set August 28, 2008, as the date to complete discovery and September 18, 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 Fourth 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 May 29, 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