

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. §

**SIXTH 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' Sixth Agreed Order extending discovery deadlines to aid in determining the value of the current settlement proposal with Donald S. Kaplan ("Respondent"). In support of this motion, the Receiver would respectfully show the Court as follows:

1. On August 28, 2008, the Court entered a Fifth Agreed Amended Scheduling Order (Dkt. No. 156) that set October 13, 2008, as the date by which the Receiver and

Respondent must complete discovery. That Order also set November 5, 2008, as the date by which both parties must file motions for summary judgment.

2. Counsel for the Receiver and Respondent continue to participate in a good faith effort to resolve this matter without further court intervention. Following entry of this Court's protective order (Dkt. No. 129), Respondent began producing his private financial records. Since then, the Receiver has asked for several supplemental production of documents in support. The Receiver's accountant has viewed those records and the assets and financial condition described are relatively involved. Complicating matters is the fact that some of the valuation data is old and many of those assets have lost significant value over the last year. Accordingly, the Receiver and Respondent now seek an additional 45 days to negotiate the value of the current settlement proposal or else complete discovery.

3. By extending the discovery deadline 45 days, the parties anticipate filing a motion to approve settlement by December 3, 2008, or else have all discovery completed by that date.

4. Accordingly, the parties have prepared a Sixth Agreed Amended Scheduling Order attached as Exhibit A. That Order would set December 3, 2008, as the date to complete discovery and December 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 Sixth 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 October 14, 2008, and again on October 17, 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