

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. §

**SEVENTH 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’ Seventh Agreed Order extending discovery deadlines so the parties can work out the remaining terms 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 October 20, 2008, the Court entered a Sixth Agreed Amended Scheduling Order (Dkt. No. 186) that set December 3, 2008, as the date by which the Receiver and

Respondent must complete discovery. That Order also set December 23, 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 and received numerous supplemental documents in support. Currently, the parties appear to have an agreement in principal for some settlement terms but are still diligently negotiating others. Accordingly, the Receiver and Respondent now seek an additional 30 days to work out a settlement agreement.

3. By extending the discovery deadline by roughly 30 days, the parties anticipate filing a motion to approve settlement by January 7, 2009, or else have all discovery completed by that date.

4. Accordingly, the parties have prepared a Seventh Agreed Amended Scheduling Order attached as Exhibit A. That Order would set January 7, 2009, as the date to complete discovery and January 28, 2009, 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 Seventh 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 December 2, 2008, and again on December 3, 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