## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

MICHAEL J. QUILLING, Receiver for	§	
ABC VIATICALS, INC. and Related Entities,	§	
	§	
Plaintiff,	§	
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W7	§ §	
V.		C'
***************************************	§	Civil Action No. 3:07-CV-0421-P
INTERNATIONAL FIDELITY &	§	
SURETY LIMITED, INTERNATIONAL	§	ECF
CONSULTANTS & MANAGEMENT LTD.,	§	
SURETY MARKETING SOURCE, LLC,	§	
KPMG VANUATU, HAWKES LAW,	§	
KPMG INTERNATIONAL, BOSWELL,	§	
DERMOTT & PAWLETT, LLP, MOHAN &	§	
ASSOCIATES, DAVID A. GOLDENBERG,	§	
DAG INVESTMENTS, LLC, LPG	§	
INVESTMENTS, LLC, WED MARKETING,	§	
LLC, GALAX HOLDINGS, LTD.,	§	
MARK WOLOK, LINDA WOLOK and	§	
ARIE KOTLER.	§	
	§	
<b>Defendants</b>	§	
	§	

## RECEIVER'S RESPONSE TO ORDER TO SHOW CAUSE

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

COMES NOW, Michael J. Quilling as the Receiver for ABC Viaticals, Inc. ("ABC") and related entities, and files this response to the Court's Order to Show Cause [Dkt. No. 64], and would respectfully show the Court as follows:

1. After filing this lawsuit, the Receiver retained Process Forwarding International ("PFI") to assist in serving Defendant Boswell, Dermott & Pawlett, LLP and Defendant Galax Holdings, Ltd. at their last known addresses in the United Kingdom. Since the United Kingdom is a signatory to the Hague Convention on the Service Abroad of Judicial and Extrajudicial

Documents, the Receiver can achieve service of process on these defendants through Federal Rule of Civil Procedure 4(f)(1) without sending letters rogatory through diplomatic channels under Rule 4(f)(2)(B).

- 2. Accordingly, PFI forwarded the summons and other papers in this case to process servers in London, England. After diligent attempts, the process servers were unable to locate or serve either Defendant Boswell, Dermott and Pawlett, LLP or Defendant Galax Holding, Ltd. In addition, the Receiver has learned through his London counsel that these entities no longer appear to exist.
- 3. Accordingly, the Receiver does not oppose the Court's dismissal of this action, without prejudice, as to Defendant Boswell, Dermott and Pawlett, LLP and Defendant Galax Holdings, Ltd.

WHEREFORE, premises considered, the Receiver requests that upon final consideration of this matter that the Court dismiss this cause of action, without prejudice, as to the two Defendants named above and for such other and further relief, general or special, at law or in equity, to which the Receiver may show himself justly entitled.

Respectfully submitted,

QUILLING SELANDER CUMMISKEY & LOWNDS, P.C.
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By: /s/ Michael J. Quilling

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

ATTORNEYS FOR RECEIVER

## **CERTIFICATE OF SERVICE**

A true and correct copy of this pleading shall be served on all interested parties through the Court's electronic filing system.

/s/ Michael J. Quilling