



holdings as to the conduct of criminal contempt proceedings. In the event that the Court does not grant Defendants' Motion to Vacate prior to June 16, 2006, or for any other reason allows the hearing scheduled for June 16, 2006 to go forward, these Defendants seek a reasonable continuance of this hearing.

2. Counsel have just entered appearance in this case and have responsibilities to fully investigate the facts and circumstances relating to this very serious matter, which could result in incarceration of either, or both, of Mr. and Mrs. Stark. This Show Cause hearing relates to matters that have taken place over a period of time in excess of one year involving various banking records and schedules which need to be examined by counsel and possibly by accountants. Further there are allegations of Mr. Stark providing a false statement, with allegedly forged records attached thereto, which was used by other parties in a separate but related case in this District. The facts and circumstances related to that matter certainly need to be investigated. Moreover, the Show Cause Order was entered on the next business day following the filing of the Receiver's Motion seeking the Show Cause Order, thereby denying Defendants the opportunity to respond to the Receiver's Motion as provided by the Federal Rules of Civil Procedure and Local Rule 7.1(e).<sup>1</sup>

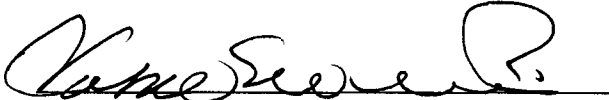
3. Counsel notes that from the docket in this case, the other two Defendants, Leitner and Rumpf, have entered into settlement discussions with the Receiver and undersigned counsel would at least like the opportunity to have discussions with the Receiver to see if such possible action is realistic for the Starks. Defendants have been without counsel since March 30, 2006, when their prior counsel was allowed to withdraw, and Defendants are anxious to attempt to settle all matters at issue between themselves and the Receiver and the Plaintiff.

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<sup>1</sup> In addition to the Court sua sponte denying the Defendants an opportunity to respond to the Receiver's Motion, the Show Cause Order itself provides in part that: "a written response to the motion is neither requested nor desired. Respondents will be given an opportunity to present evidence and argument at the show cause hearing."

4. This continuance is not being sought for mere purposes of delay but for the reasons set out above which would be in the interests of justice and could possibly shorten further proceedings in this case.

Wherefore, premises considered, it is respectfully requested that, unless the Court vacates the Show Cause Order prior to June 16, 2006, a reasonable continuance be granted for the hearing on the Show Cause Order in order to allow time for discovery and meaningful settlement negotiations.

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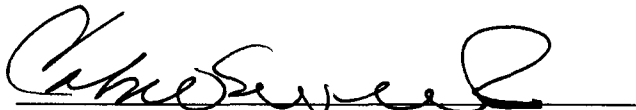
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**CERTIFICATE OF CONFERENCE**

I hereby certify that on June 12, 2006, I conferred with Michael Quilling, Receiver, concerning the foregoing pleading. Mr. Quilling stated that he was opposed to the granting of this Motion.

  
John W. Sweeney, Jr.

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing document was served on all counsel of record in accordance with the Federal Rules of Criminal Procedure on the 13<sup>th</sup> day of June, 2006, via the method specified below:

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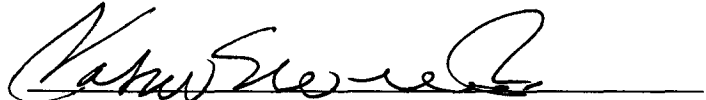
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