

show cause why they should not be held in contempt of court. The brief history of this matter is as follows:

2. On Friday, May 19, 2006 the Receiver, Michael J. Quilling, filed a Motion for Bradley C. Stark, et al to appear and show cause why they should not be held in contempt of court for alleged violations of prior court orders in this case.

3. On Monday, May 22, 2006 this court entered its Order to Show Cause requested by the Receiver and set such matter for hearing on June 2, 2006.

4. On May 26, 2006 the hearing date was continued until June 16, 2006.

5. On June 13, 2006 Defendants Bradley C. Stark and Pamela Stark filed their Motion to Vacate the Order to Show Cause, as well as a Motion for Continuance of the Hearing on such Order.

6. Later on June 13, 2006 the Court denied without prejudice the Motion to Vacate filed by Defendants Stark earlier that date and also entered an Order continuing the hearing on the Order to Show Cause for a date later to be determined.

7. On July 21, 2006 this Court entered its Order stating in pertinent part, "It now has been more than five weeks since the show cause hearing was postponed and the court has not been advised of any settlement between the Receiver and the Starks. **Nor has the Receiver requested that the hearing be rescheduled. If the Receiver intends to prosecute the pending motion for contempt, he shall file a written request for a new hearing date by August 4, 2006. Otherwise, the motion will be denied without prejudice.** (Emphasis supplied, except for the August 4, 2006 date.)

8. The docket sheet in this case reveals that no written request for a new hearing date was filed by the Receiver on August 4, 2006, or at any other time, as specified in the Court's

**MOTION TO VACATE ORDER RE-SETTING HEARING ON ORDER
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IN THE ALTERNATIVE FOR A CONTINUANCE**

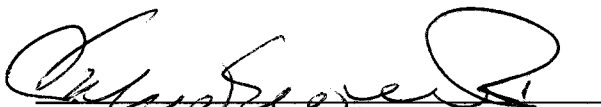
Order in paragraph 6, above. Undersigned counsel has received no copy of such a written request from the Receiver, filed, or un-filed. There is no indication on file that the Receiver wishes to prosecute the matter any further. Under these circumstances, as stated in the July 21, 2006 Order, "... the Motion will be denied without prejudice."

9. In addition, undersigned counsel, who has been the primary attorney on this case, will be entering Presbyterian Hospital on August 28, 2006 for total hip replacement surgery and is expected to be away from the office for a period of approximately six weeks. Mr. Charles M. Meadows, Jr. of this firm, who has been also working on this case, will be out of the country from September 10 through September 30, 2006. Under these circumstances, it is respectfully requested that no hearing in this matter be set until approximately October 23, 2006..

Wherefore, since this Court's prior Order of July 21, 2006, was not complied with by the Receiver and there is no indication that the Receiver wishes to pursue the matter further, it is respectfully requested that the hearing date set on August 14, 2006 for September 21, 2006 be vacated and that the Motion for Contempt earlier filed by the Receiver on May 19, 2006 be denied without prejudice as previously stated by the Court in its Order of July 21, 2006. In the alternative, due to the circumstances of their counsel in this case, Defendants respectfully request a continuance until approximately October 23, 2006.

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Respectfully submitted,

By: 

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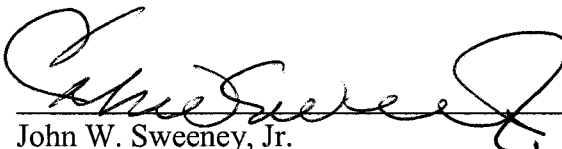
ATTORNEYS FOR DEFENDANTS

BRADLEY C. STARK and PAMELA STARK

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CERTIFICATE OF CONFERENCE

I hereby certify that I attempted on August 14 and the morning of August 15, 2006 to contact Mr. Michael Quilling with regards to the foregoing pleading, however he was unavailable for conference.


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 15th day of August, 2006, via the method specified below:

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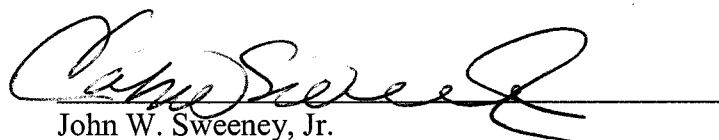
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