

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

MICHAEL J. QUILLING, as Receiver
for Megafund Corporation and
Lancorp Financial Group, LLC

Plaintiff,

VS.

KENNETH WAYNE HUMPHRIES

Defendant.

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NO. 3-06-CV-0299-L

ORDER

By order dated October 13, 2006, the court granted the Receiver's motion for partial summary judgment with respect to his claims under the Texas Uniform Fraudulent Transfer Act ("TUFTA"), Tex. Bus. & Comm. Code Ann. § 24.001, *et seq.*, and for negligent misrepresentation against Defendant Kenneth Wayne Humphries. Although the court determined that the Receiver is entitled to recover the sum of \$19,000 on his TUFTA claim and \$9,365,000 on his negligent misrepresentation claim, the Receiver also sues for aiding and abetting corporate waste, breach of fiduciary duty, breach of contract, and civil conspiracy. Because none of those claims were addressed on summary judgment, it appears that a trial is necessary.

The parties shall submit a joint status report by **November 1, 2006**. This report must contain the following information:

- (a) A proposed trial date and estimated length of trial;
- (b) Whether any party has made a jury demand;
- (c) The status of settlement negotiations and whether this case is appropriate for mediation or some other form of alternative dispute

resolution. In this connection, the parties are advised that the court typically requires mediation prior to trial. Counsel are directed to confer on a mediator and a date for mediation. These matters should be addressed in the joint status report. If any party objects to mediation, the basis for such an objection must be set forth in the report; and

(d) Any other matters relevant to the status or disposition of the case.

The joint status report must be signed by all counsel of record and any unrepresented parties. Anyone who fails to sign the report will be subject to sanctions. If the parties cannot agree on a particular recommendation, the report must set forth the nature of the disagreement and explain why agreement could not be reached. The court will resolve any disputes based on the written submissions of the parties.

Alternatively, the parties may file a stipulation of dismissal with respect to the remaining claims and present the court with a proposed final judgment. The proposed judgment must be approved as to form by all counsel of record and any unrepresented parties.

SO ORDERED.

DATED: October 18, 2006.


JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE