

Motions

2. There are no pending motions. The Receiver, however, anticipates filing a motion for summary judgment following discovery. The Defendant also contemplates filing motions challenging jurisdiction and the choice of forum in this proceeding.

Additional Parties

3. At this time, the Receiver is not aware any parties who should join this action. The Defendant believes that there are indispensable parties who should be made a part of this action, including Stanley A. Leitner and other parties with whom he dealt.

Settlement and Mediation

4. There are no settlement negotiations ongoing and no current prospects for settlement of this case. The parties do not oppose mediation but believe it would be most effective after some discovery has been conducted.

Scheduling Order

5. The Receiver believes that the Court's Scheduling Order of February 23, 2006, is adequate because the issues in the case are straightforward. The Defendant does not believe that the Court's scheduling order of February 23, 2006, is adequate in that it unnecessarily sets expedited deadlines for completion of and rushes the case to trial, imposing a hardship on the Defendant.

Dondi Decision

6. The Receiver and Defendant have read the *Dondi* decision and acknowledge the obligations under Section 3 of the Court's Scheduling Order of February 23, 2006.

Trial Date

7. The Receiver believes that the Court's Scheduling Order of February 23, 2006, provides adequate time for the proposed trial setting. The Defendant does not.

Consent to Magistrate

8. Both parties do not consent to trial before United States Magistrate Judge.

ECF

9. The parties do not object to the case being handled as an electronic case files case pursuant to Miscellaneous Order 61 and the ECF Procedures Manual.

Other Matters

10. Other than Defendant's anticipated challenges to jurisdiction and the choice of forum, there are no other matters relevant to the status and disposition of this case known to the parties at this time.

Respectfully submitted,

Kenneth W. Humphries / by HM
w/permission

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