

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

SECURITIES AND EXCHANGE COMMISSION, §

Plaintiff, §

vs. §

Civil Action No.: 3:06-CV-2136-P

ABC VIATICALS, INC., §
C. KEITH LAMONDA, §
and JESSE W. LAMONDA, JR., §

Defendants §

and §

LAMONDA MANAGEMENT FAMILY §
LIMITED PARTNERSHIP, §
STRUCTURED LIFE SETTLEMENTS, INC., §
BLUE WATER TRUST, §
and DESTINY TRUST §

Relief Defendants. §

**EIGHTH MOTION FOR AGREED ORDER EXTENDING DISCOVERY
DEADLINES TO ALLOW FOR SETTLEMENT NEGOTIATIONS**

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

COMES NOW Michael J. Quilling as the Receiver for ABC Viaticals, Inc. (“Receiver”) and requests that this Court enter the parties’ Eighth Agreed Order extending discovery deadlines so the parties can reduce to writing the agreed settlement terms between the Receiver and Donald S. Kaplan (“Respondent”). In support of this motion, the Receiver would respectfully show the Court as follows:

1. On December 8, 2008, the Court entered a Seventh Agreed Amended Scheduling Order (Dkt. No. 211) that set January 7, 2009, as the date by which the Receiver and Respondent

must complete discovery. That Order also set January 28, 2009, as the date by which both parties must file motions for summary judgment.

2. Counsel for the Receiver and Respondent have reached a settlement in principle to resolve this matter without further court intervention. The only remaining issues are the timeline for final payment, the language for a mutual release of claims, and the motion for this Court's approval of the settlement terms. Accordingly, the Receiver and Respondent now seek an additional 30 days to reduce the terms of this settlement agreement to writing.

3. By extending the discovery deadline by roughly 30 days, the parties anticipate filing a motion to approve settlement by February 6, 2009.

4. Accordingly, the parties have prepared an Eighth Agreed Amended Scheduling Order attached as Exhibit A. That Order would set February 6, 2009, as the date to complete discovery and February 27, 2009, as the date to file motions for summary judgment. All remaining deadlines would be extended accordingly. Obviously, the parties anticipate that discovery responses and motions for summary judgment will not be necessary since they have reached an agreement in principle to settle this matter.

WHEREFORE, premises considered, the Receiver respectfully requests that this Court approve and enter the Eighth Agreed Amended Scheduling Order attached as Exhibit A and grant such other and further relief, general or special, at law or in equity, to which he may otherwise show himself entitled.

Respectfully submitted,

**QUILLING, SELANDER, CUMMISKEY
& LOWNDS, P.C.**

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By: /s/ Brent Rodine

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

ATTORNEYS FOR RECEIVER

CERTIFICATE OF CONFERENCE

According to Local Rule 7.1, the undersigned conferred with Richard Baum, on January 5, 2009, and January 7, 2009. Both parties agree to the relief requested in this motion.

/s/ Brent Rodine

CERTIFICATE OF SERVICE

A copy of this pleading was served on all interested parties through the Court's electronic filing system.

/s/ Brent Rodine