

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

**CASE NO. 2:09-CV-445-FtM-99SPC  
Proceeding Ancillary to 2:09-cv-229-FtM-29SPC**

<p>DANIEL S. NEWMAN, as Receiver for Founding Partners Capital Management Company; Founding Partners Stable-Value Fund, L.P.; Founding Partners Stable-Value Fund II, L.P.; Founding Partners Global Fund, Ltd., and Founding Partners Hybrid-Value Fund, L.P.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>SUN CAPITAL, INC., a Florida corporation, SUN CAPITAL HEALTHCARE, INC., a Florida corporation, and HLP PROPERTIES OF PORT ARTHUR, LLC, a Texas limited liability company, LH Acquisition, LLC, a Texas limited liability company,</p> <p style="text-align: center;">Defendants.</p>	
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**RECEIVER'S NOTICE OF INTENT TO FILE MEMORANDUM IN  
OPPOSITION TO DEFENDANTS' EMERGENCY MOTION TO STAY  
PROCEEDINGS DURING SETTLEMENT NEGOTIATIONS**

Plaintiff, DANIEL S. NEWMAN, solely in his capacity as duly appointed Receiver ("Receiver") for Founding Partners Capital Management Company; Founding Partners Stable-Value Fund, L.P.; Founding Partners Stable-Value Fund II, L.P.; Founding Partners Global Fund, Ltd.; and Founding Partners Hybrid-Value Fund, L.P. ("Receivership Entities"), by and through undersigned counsel, respectfully submits his Notice of Intent to File Memorandum in Opposition to Defendants' Emergency Motion

for a Stay Proceedings During Settlement Negotiations (“Motion to Stay”), and states as follows:

1. On June 12, 2010, a Saturday, Defendants filed their Motion to Stay (Doc. No. 196) purportedly on an emergency basis. Defendants argued that a stay must be entered by tomorrow morning (Doc. No. 196 at 14), even though the purported settlement discussions upon which the Motion is based have been going on in secret for the previous four and a half months (Doc No. 196 ¶ 8), and even though Defendants never sought an enlargement of time to respond to the discovery requests and pleading which they contend created the alleged “emergency.”

2. Further, the Defendants falsely state that the Receiver “took no position” on the Motion. (Doc. No. 196 at 17). In fact, the first time the Receiver was notified of the existence of the purported settlement discussions or that Defendants were even considering seeking any kind of stay was this past Friday afternoon. At that time, the Receiver requested certain information of Defendants, which Defendants have not provided and have not agreed to provide.

3. The purpose of this Notice is to advise the Court that the Receiver objects to the Motion and intends to file opposition papers, but, having first been served with the Motion over the weekend, the Receiver needs time to do so.

4. The Receiver respectfully submits that no “emergency” exists.

However, in the event that the Court treats the Motion to Stay as an emergency motion under Local Rules, the Receiver respectfully seeks a briefing schedule on the Motion.

Respectfully submitted,

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By: /s/ Jonathan Etra  
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*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 14, 2010, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Jonathan Etra  
Jonathan Etra, Esq.

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