

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DANIEL S. NEWMAN, as a 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.,

Plaintiff,

vs.

Case No. 2:09-cv-445-FtM-29SPC

SUN CAPITAL, INC. a Florida  
corporation; SUN CAPITAL HEALTHCARE,  
INC., a Florida corporation; HLP  
PROPERTIES OF PORT ARTHUR, LLC, a  
Texas limited liability company,

Defendants.

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**ORDER**

This matter comes before the Court on Defendants' Emergency Motion to Stay Proceedings During Settlement Negotiations (Doc. #196) filed on June 12, 2010. Plaintiff filed a Notice of Intent to File Memorandum in Opposition (Doc. #197), and the Court entered an Order (Doc. #198) temporarily granting the stay pending filing of the Receiver's response. The Receiver's Response in Opposition (Doc. #200) was filed on June 28, 2010.

The Court clearly has the discretionary authority to grant a reasonable stay in a case, and pursuit of a settlement can be a reasonable basis for a stay. This particular case is not atypical, and literally cries out for a good faith effort at resolution

before the only people left standing are the lawyers and other litigation professionals. It would appear that a settlement may only be accomplished if the efforts include substantial involvement of an informed Receiver in the settlement process. The Receiver was appointed not only for his legal and business acumen, but to bring common sense to a process, which by its very nature can be complex.

In the final analysis, counsel, as officers of the court, control the destiny of the case by exercising - or failing to exercise - the competence and courtesy expected of our profession. To that end, the Court will grant a stay as provided below.

Accordingly, it is now

**ORDERED:**

Defendants' Emergency Motion to Stay Proceedings During Settlement Negotiations (Doc. #196) is **GRANTED** in part and **DENIED** in part as follows:

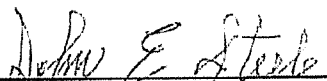
1. The filing of an answer or other response to the First Amended Complaint (Doc. #195) is **STAYED UNTIL FURTHER ORDER OF THE COURT.**

2. Responses to the outstanding subpoenas referred to in defendant's Emergency Motion (Doc. #196), both in this case and in Case No. 2-09-cv-229, are **STAYED UNTIL FURTHER ORDER OF THE COURT.**

3. The pending motions (Docs. ## 11, 67, 68, 176, 182) are **DEFERRED** during the stay.

4. Within **SIXTY (60) DAYS** of the date of this Order the parties shall file a joint Notice with the court setting forth the progress of settlement discussions. Based upon the Notice, the Court will determine whether or not to continue the stay.

**DONE AND ORDERED** at Fort Myers, Florida, this 8th day of July, 2010.

  
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**JOHN E. STEELE**  
United States District Judge

Copies:  
Counsel of record