

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 08-81565-CIV-HURLEY/HOPKINS**

**SECURITIES AND EXCHANGE COMMISSION,**

**Plaintiff,**

**v.**

**CREATIVE CAPITAL CONSORTIUM, LLC, et al.,**

**Defendants.**

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**DEFENDANT GEORGE THEODULE'S MOTION FOR EXTENSION OF TIME  
TO RESPOND TO SHOW CAUSE ORDER AND TO RECEIVER'S SECOND  
MOTION TO EXPAND RECEIVERSHIP**

Defendant, George Theodule, by and through his undersigned counsel, hereby serves and files his Motion For Extension Of Time To Respond to Show Cause Order and To Receiver's Second Motion to Expand Receivership, and respectfully states as follows:

1. The undersigned counsel is newly retained on this matter and needs additional time to respond to two voluminous matters: (1) a Court-order requiring Mr. Theodule to show cause why he should not be held in contempt for providing a deficient accounting of his personal assets and the assets of Defendant Creative Capital Consortium, LLC, and (2) the Receiver's approximately 117 page Second Motion to Expand Receivership.
2. We believe that we need 15 days to put together the information available to Mr. Theodule to adequately respond to the Court's show cause order. The undersigned counsel has met with Mr. Theodule for over 12 hours and spent at least four hours on the phone with him pertaining to the allegations of the SEC's Complaint filed in this

matter and the Court's *ex parte* order entered on December 29, 2008 requiring Mr. Theodule to provide an accounting within a mere five days' time. Mr. Theodule needs additional time to complete the accounting as best as he is able, which, in part, has been made more difficult because his home was burglarized in January and his laptop computer and many other property items were stolen. Mr. Theodule's laptop computer contained some information that would have been useful in compiling the information required by the accounting. We believe that we need 15 days to put together the information available to Mr. Theodule. Granting Mr. Theodule the additional time needed would serve the SEC's and the Receiver's interests in that it would enable Mr. Theodule ample time to do the best job that he is able to comply with the Court order and make more complete disclosures.

3. Additional time is necessary to respond to the Receiver's Second Motion to Expand the Receivership. The Receiver's motion is comprised of approximately 117 pages of argument and exhibits. Mr. Theodule will need a reasonable amount of time to gather information in order to properly frame a response. On its face, the premise of the requested expansion is based upon the Receiver's errant conclusion that anywhere that money went means that the recipient is an alter ego of Mr. Theodule. Part of the information necessary to rebut these errant assertions will come from Mr. Theodule's preparation of the accounting. Accordingly, it is reasonable for Mr. Theodule to respond first to the accounting and then to turn his attention to the Receiver's motion. Much of the remaining evidence will come from witness declarations and supporting documentation that need to be gathered and submitted to the Court to show that it is improper to assert jurisdiction over arm's length transactions and non-parties' assets.

An extension of 30 days for Mr. Theodule to respond to the Receiver's motion is estimated as being reasonable under the circumstances.

4. The requested extension of time is not made for the purpose of delay nor will it prejudice any of the parties involved in this action.
5. In accordance with Local Rule 7.1, S.D.Fla.L.R., counsel for the movant has conferred with counsels for the SEC and for the Receiver in a good faith effort to resolve the issues raised in the motion and has been unable to do so. The motion to expand time to respond to the show cause order is categorically opposed by the SEC, and the requested extension to respond to the Receiver's second motion to expand the receivership is rejected by the Receiver as being too long.
6. A proposed order is submitted herewith.

WHEREFORE, Defendant, George Theodule, respectfully requests that this Court grant the instant motion and enter an order allowing 15 days to submit the accounting and show cause response required and 30 days to respond to the Receiver's Second Motion to Expand Receivership.

Respectfully submitted,

Dated: February 24, 2009

By: s/ Russell C. Weigel, III

Russell C. Weigel, III  
Fla. Bar No. 822159

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the service list below 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 or parties who are not authorized to receive electronically Notices of Electronic Filing:

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***Counsel for the Receiver***

Dated: February 24, 2009

s/: Russell C. Weigel, III  
Russell C. Weigel, III

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SOUTHERN DISTRICT OF FLORIDA**

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**ORDER**

**THIS CAUSE**, having come before the Court upon the Motion of Defendant George Theodule for an extension of time to respond to this Court's Order Granting Plaintiff's Application for Order to Show Cause [D.E. 31] and the Receiver's Second Motion to Expand Receivership, the Court having been fully advised in the premises, and for good cause shown,

**IT IS ORDERED AND ADJUDGED** that Defendant George Theodule shall have up to and including March 11, 2009 to show cause why he should not be held in contempt with the Court's order requiring him to account for all assets and up to and including March 26, 2009 to respond to the Receiver's Second Motion to Expand Receivership.

**DONE AND SIGNED** in Chambers in West Palm Beach, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
DANIEL T. K. HURLEY  
U.S. DISTRICT COURT JUDGE

*Copies provided to counsel of record*