

**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,
A CREATIVE CAPITAL CONCEPT\$, LLC, and
GEORGE L. THEODULE,**

Defendants.

JOINT MOTION FOR ENTRY OF AGREED ORDER

In connection with the agreement between Defendant George L. Theodule and the Plaintiff, Securities and Exchange Commission, to resolve the liability phase of Plaintiff's Complaint by Theodule's execution of his consent to judgment of permanent injunction and other relief (*see* D.E. # 177-1), the parties hereto have agreed that the following pending motions should be denied as MOOT:

The following motions are moot:

- a. Defendant George L. Theodule's Motion for Summary Judgment [D.E. # 90];
- b. Plaintiff Securities and Exchange Commission's Motion for Summary Judgment [D.E. # 170]; and
- c. Plaintiff Securities and Exchange Commission's Application for Order to Show Cause Why Defendant George L. Theodule Should Not Be Adjudged in Contempt for Failing to Provide Detailed Accounting [D.E. # 24].

A proposed form of agreed order deemed suitable for this purpose is enclosed herewith.

WHEREFORE, the parties hereto respectfully request that this Court enter an Order granting the requested relief.

Respectfully submitted,

Dated: October 28, 2009

By: s/ Russell C. Weigel, III

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

Counsel for Defendant George L. Theodule

RUSSELL C. WEIGEL, III, P.A.

5775 Blue Lagoon Drive
Suite 100
Miami, Florida 33126
Tel: (786) 888-4567
Fax: (786) 787-0456
rweigel@InvestmentAttorneys.com

By: s/Robert K. Levenson

Robert K. Levenson, Esq.
Regional Trial Counsel
Florida Bar No. 0089771
Direct Dial: (305) 982-6341
Email: levensonr@sec.gov

Attorney for Plaintiff

SECURITIES AND EXCHANGE COMMISSION

801 Brickell Avenue, Suite 1800
Miami, Florida 33131
Telephone: (305)982-6300
Facsimile: (305)536-4154

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:

Robert Levenson, Esq.
Securities and Exchange Commission

801 Brickell Ave., Ste. 1800
Miami, FL 33131
Counsel for Plaintiff
Securities & Exchange Commission

David C. Cimo, Esq,
Carmen Contreras-Martinez, Esq.
Genovese Joblove & Battista, P.A.
4400 Bank of America Tower
100 Southeast Second Street
Miami, FL 33131
Counsel for the Receiver

Dated: October 28, 2009

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