

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

CASE NO. 16-CV-62603-WPD

GRISEL ALONSO, AS RECEIVER FOR	)
ELM TREE INVESTMENT ADVISORS,	)
LLC, ELM TREE INVESTMENT FUND,	)
LP, ELM TREE ‘E’CONOMY FUND, LP,	)
and ELM TREE MOTION	)
OPPORTUNITY, LP,	)
	)
Plaintiff,	)
	)
vs.	)
	)
JAMES BENVENUTO, ET AL.,	)
	)
Defendants.	)
	)

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**DEFENDANTS CONSTANTINO DOS SANTOS AND EDUARDO DOS SANTOS'  
UNOPPOSED MOTION FOR EXTENSION OF DEADLINE  
TO RESPOND TO PLAINTIFF’S COMPLAINT**

Defendants, Constantino Dos Santos and Eduardo Dos Santos (collectively, “Defendants”), by and through undersigned counsel, hereby respectfully move for an extension of time to respond to the Complaint filed by Plaintiff, Grisel Alonso (the “Plaintiff”), as Receiver for Elm Tree Investment Advisors, LLC, Elm Tree Investment Fund, LP, Elm Tree ‘e’Conomy Fund, LP, and Elm Tree Motion Opportunity, LP, and in support thereof, state as follows:

1. On or about November 29, 2016, Plaintiff filed a Summons and Complaint in the above-referenced matter. [D.E. 8].
2. Upon information and belief, Defendants were served with the Summons and Complaint on or about December 8, 2016.

3. Defendants are Canadian citizens who reside in Ontario, Canada. After service, Defendants attempted to locate United States corporate counsel to engage for the defense of this action.

4. On or about December 20, 2016, Defendants contacted the law firm of Kavinoky Cook LLP to discuss this matter.

5. After Defendants' engagement of Kavinoky Cook LLP as counsel, Ms. Deborah Chadsey, Esq. of Kavinoky Cook LLP ("Ms. Chadsey") contacted Plaintiff's counsel, Daniel S. Newman, P.A. to request an extension of time to answer or otherwise respond to the Complaint.

6. Due to the holidays, Ms. Chadsey did not speak to Mr. Newman until the last week of December. Mr. Newman indicated that Plaintiff would not oppose the filing of this motion for an extension of time to answer or otherwise respond to the Complaint up to and including January 20, 2017.

7. Undersigned counsel was thereafter retained as local counsel to assist Kavinoky Cook LLP in the defense of this matter.

8. There exists good cause for the requested extension, as it was necessary for the Defendants to locate United States corporate counsel to represent them in this matter during the year-end holidays. Defendants furthermore require sufficient time to review and assess the allegations of Plaintiff's Complaint to prepare a response.

9. No party will be prejudiced from the requested relief herein; this unopposed motion is not made for purposes of delay.

10. Accordingly, Defendants request from the Court an extension of the deadline to answer or otherwise respond to the Complaint up to and including January 20, 2017. A Proposed Order is attached hereto as "Exhibit A."

WHEREFORE, Defendants respectfully request that this Court grant this unopposed motion for an extension of the deadline to answer or otherwise respond to Plaintiff's Complaint to and including January 20, 2017, and enter the Proposed Order, together with such further relief as to this Court is just and proper.

DATED: January 16, 2017

RESPECTFULLY SUBMITTED,

/s/ Elizabeth Lee Beck

By: Elizabeth Lee Beck

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*Attorneys for Defendants  
Constantino Dos Santos and  
Eduardo Dos Santos*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 16, 2017, I electronically filed the foregoing

*DEFENDANTS CONSTANTINO DOS SANTOS AND EDUARDO DOS SANTOS'  
UNOPPOSED MOTION FOR EXTENSION OF DEADLINE TO RESPOND TO  
PLAINTIFF'S COMPLAINT*

with the Clerk of the Court using CM/ECF. I also certify that the foregoing document(s) are being served this day on all counsel of record or pro se parties identified on the following 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 or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Elizabeth Lee Beck  
Elizabeth Lee Beck

**SERVICE LIST**

*Alonso v. Benvenuto, et al.*

**CASE NO. 16-CV-62603-WPD**

**United States District Court, Southern District of Florida**

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*Attorneys for Plaintiff-Receiver*

# Exhibit A

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SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

CASE NO. 16-CV-62603-WPD

GRISEL ALONSO, AS RECEIVER FOR	)
ELM TREE INVESTMENT ADVISORS,	)
LLC, ELM TREE INVESTMENT FUND, LP,	)
ELM TREE 'E'CONOMY FUND, LP, and	)
ELM TREE MOTION OPPORTUNITY, LP,	)
	)
Plaintiff,	)
	)
vs.	)
	)
JAMES BENVENUTO, ET AL.,	)
	)
Defendants.	)
_____	)

**ORDER ON DEFENDANTS CONSTANTINO DOS SANTOS AND EDUARDO DOS SANTOS' UNOPPOSED MOTION FOR EXTENSION OF DEADLINE TO RESPOND TO PLAINTIFF'S COMPLAINT**

This matter comes before the Court on Defendants Constantino Dos Santos and Eduardo Dos Santos' Unopposed Motion for Extension of Deadline to Respond to Plaintiff's Complaint ("Motion"). After reviewing the Motion and the record herein, the Court hereby GRANTS the Motion.

Accordingly, it is now **ORDERED**:

Defendants Constantino Dos Santos and Eduardo Dos Santos shall answer, or otherwise respond to, the Complaint up to and including January 20, 2017.

DONE AND ORDERED in Chambers in Fort Lauderdale, Florida, this \_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
The Hon. William P. Dimitrouleas  
United States District Judge

cc: all counsel of record