

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 REPLY TO PLAINTIFF'S RESPONSE TO THEIR MOTION TO DISMISS**

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 Omnibus Response to Defendants' Motions to Dismiss the Amended Complaint or, in the Alternative, Request for Jurisdictional Discovery (the "Response") 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, and in support thereof, state as follows:

1. Defendants filed their Motion to Dismiss on January 20, 2017. [D.E. 20].

Plaintiff's deadline to file a response to Defendants' Motion to Dismiss was extended, without

opposition, to February 23, 2017, [D.E. 26], and extended again, without opposition, to March 7, 2017. [D.E. 34].

2. Plaintiff filed her Response to Defendants' Motion to Dismiss, with an alternative Request for Jurisdictional Discovery, on March 7, 2017. [D.E. 42]. Defendants' deadline to reply is March 14, 2017.

3. Plaintiff's Response alleged facts not plead in the Amended Complaint and requested additional relief in the alternative to denial of Defendants' Motion to Dismiss.

4. Defendants and Ms. Deborah J. Chadsey, Esq. ("Ms. Chadsey"), counsel for Defendants, were unable to discuss Plaintiff's Response and the additional factual allegations until Friday, March 10, 2017.

5. Defendants are further pursuing settlement negotiations with Plaintiff; Ms. Chadsey contacted Plaintiff's counsel, Daniel S. Newman, P.A. to discuss potential settlement on Friday, March 10, 2017.

6. There exists good cause for the requested extension, as Defendants require sufficient time to review and assess the additional allegations of Plaintiff's Response in order to prepare a reply. There is additional good cause for the requested extension as it would be advantageous to further settlement discussions.

7. Counsel for Plaintiff has authorized undersigned counsel to represent to the Court that there is no opposition to the relief sought herein from Plaintiff.

8. No party will be prejudiced from the requested relief herein; this unopposed motion is made in good faith and not made for purposes of delay.

9. Accordingly, Defendants request from the Court an extension of the deadline to reply to Plaintiff's Response to Defendants' Motion to Dismiss up to and including March 28, 2017. A Proposed Order is attached hereto as "Exhibit A."

WHEREFORE, Defendants Constantino Dos Santos and Eduardo Dos Santos respectfully request that this Court grant this unopposed motion for an extension of the deadline to reply to Plaintiff's Omnibus Response to Defendants' Motions to Dismiss the Amended Complaint or, in the Alternative, Request for Jurisdictional Discovery, to and including March 28, 2017, and enter the Proposed Order, together with such further relief as to this Court is just and proper.

DATED: March 13, 2017

RESPECTFULLY SUBMITTED,

/s/ Elizabeth Lee Beck

By: Elizabeth Lee Beck

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/s/ Deborah J. Chadsey

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*(Counsel)*

*Attorneys for Defendants*

*Constantino Dos Santos and*

*Eduardo Dos Santos*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 13, 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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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

CASE NO. 16-CV-62603-WPD

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LLC, ELM TREE INVESTMENT FUND, LP,	)
ELM TREE 'E'CONOMY FUND, LP, and	)
ELM TREE MOTION OPPORTUNITY, LP,	)
	)
Plaintiff,	)
	)
vs.	)
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JAMES BENVENUTO, ET AL.,	)
	)
Defendants.	)
_____	)

**ORDER ON DEFENDANTS CONSTANTINO DOS SANTOS AND EDUARDO DOS SANTOS' UNOPPOSED MOTION FOR EXTENSION OF DEADLINE TO REPLY TO PLAINTIFF'S OMNIBUS RESPONSE TO DEFENDANTS' MOTIONS TO DISMISS AMENDED COMPLAINT, OR IN THE ALTERNATIVE, REQUEST FOR JURISDICTIONAL DISCOVERY**

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 Omnibus Response to Defendants' Motions to Dismiss the Amended Complaint, or, in the Alternative, Request for Jurisdictional Discovery ("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 reply to Plaintiff's Response to their Motion to Dismiss up to and including March 28, 2017.

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

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The Hon. William P. Dimitrouleas  
United States District Judge

cc: all counsel of record