

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

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,

Case No. 16-62603-CIV-DIMITROULEAS
Proceeding Ancillary to
No. 15-CV-60082-Dimitrouleas/Snow

Plaintiff,

v.

JAMES BENVENUTO, an individual,
et al.,

Defendants.

**PLAINTIFF RECEIVER GRISEL ALONSO AND DEFENDANT HARRY TAWIL’S
JOINT MOTION FOR EXTENSION OF TIME FOR
HARRY TAWIL TO RESPOND TO THE COURT’S ORDER TO SHOW CAUSE**

Plaintiff 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 (Receiver”) and Defendant Harry Tawil (“Tawil”)¹ hereby jointly move for an order extending the deadline for Tawil to respond to the Court’s Order to Show Cause Why the Court Should not Grant Motions for Final Default Judgment (hereinafter, “Order to Show Cause”) [D.E. 108] and for cause state:

On May 9, 2017, the Court entered the Order to Show Cause directing Tawil to respond to the order on or before May 18, 2017. On May 17, 2017, the Receiver and Tawil reached a tentative resolution of the claims asserted against Tawil herein. The parties anticipate filing a Motion to

¹ Tawil appears herein for the limited purpose of obtaining an extension of time to respond to the Order to Show Cause and submits the instant motion without prejudice to his right to move to dismiss for the Receiver’s failure to obtain proper service of process in the event the parties are unable to conclude their settlement.

Approve Settlement within the next 10 days. In the event the Motion to Approve Settlement is granted, the Order to Show Cause will be moot as to Tawil, thus obviating the need for Tawil to respond.

WHEREFORE, the Receiver and Tawil jointly request that the Court extend the time for Tawil to respond to the Order to Show Cause until 10 days after the Court denies any Motion to Approve Settlement. A proposed order is attached hereto as Exhibit A.

Respectfully submitted,

/s/ Kelly Anne Luther

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*Filing on behalf of Defendant Harry Tawil
and the Receiver (for this pleading only)*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to counsel of record.

/s/ Kelly Anne Luther

Kelly Anne Luther

EXHIBIT A

UNITED STATES DISTRICT COURT
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Plaintiff,

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JAMES BENVENUTO, an individual,
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Defendants.

**ORDER GRANTING PLAINTIFF RECEIVER GRISEL ALONSO AND
DEFENDANT HARRY TAWIL'S JOINT MOTION FOR EXTENSION OF TIME FOR
HARRY TAWIL TO RESPOND TO THE COURT'S ORDER TO SHOW CAUSE**

THIS CAUSE came before the Court on the Joint Motion of Plaintiff Grisel Alonso, as Receiver for Elm Tree Investment Advisors, LLC, etc., (Receiver") and Defendant Harry Tawil ("Tawil") (collectively, "the Parties") for extension of time for Tawil to respond to the Court's Order to Show Cause Why the Court Should not Grant Motions for Final Default Judgment (hereinafter, "Order to Show Cause") [D.E. 108], and the Court being fully advised, it is

ORDERED AND ADJUDGED that the motion is granted as follows:

1. On May 9, 2017, the Court entered the Order to Show Cause directing Tawil to respond to the order on or before May 18, 2017. On May 17, 2017, the Receiver and Tawil reached an agreement in principal to resolve the claims asserted against Tawil herein and are in the process

of drafting a proposed settlement agreement reflecting their agreement. The Parties anticipate filing a Motion to Approve Settlement within the next 10 days.

2. In the event the Motion to Approve Settlement is granted, the Order to Show Cause will be moot as to Tawil, thus obviating the need for Tawil to respond. In the event the Motion to Approve Settlement is granted, the Order to Show Cause as to Tawil will be deemed discharged, the clerk's default vacated and Tawil is not required to otherwise respond to the Order to Show Cause.

3. In the event the Parties' settlement is not approved by the Court, Tawil shall respond to Order to Show Cause within 10 days of the date of the order denying the motion to approve settlement.

DONE AND ORDERED in Ft. Lauderdale, Florida, this ____ day of May, 2017.

WILLIAM P. DIMITROULEAS
United States District Judge