

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**THOMAS L. TAYLOR III, SOLELY IN )  
HIS CAPACITY AS COURT- )  
APPOINTED RECEIVER FOR )  
KALETA CAPITAL MANAGEMENT, )  
INC., BUSINESSRADIO NETWORK, )  
L.P., d/b/a BizRadio and DANEIL )  
FRISHBERG FINANCIAL SERVICES, )  
INC., d/b/a DFFS CAPITAL )  
MANAGEMENT, INC., )**

**Plaintiff,** )

**v.** )

**Civil Action No. 4:12-cv-01491**

**DANIEL S. FRISHBERG, et al.** )

**Defendants** )

**UNOPPOSED MOTION TO  
EXTEND DEADLINES FOR THIRTY DAYS**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Thomas L. Taylor, III, solely in his capacity as Receiver for Kaleta Capital Management, et al. (“Receiver”) files this Unopposed Motion to Extend Deadlines in the Scheduling Order for Thirty Days, and will respectfully show the Court as follows:

The Receiver has begun meaningful settlement discussions with both Defendant Daniel Frishberg and Defendant Barrington Financial Advisors and would like to continue these meaningful settlement discussions before proceeding with further time-consuming, burdensome, and expensive discovery efforts. All of the parties are fully committed to exploring the possibility of settlement and are interested in bringing this matter to an efficient, agreed resolution.

Defendant Barrington Financial Advisors stated that they do not oppose this motion. Counsel was

unable to reach Defendants Daniel S. Frishberg and Elisea T. Frishberg, but represents to the Court that settlement negotiations are ongoing.

Accordingly, the Receiver requests that the dates in the Scheduling Order of September 4, 2012 be extended 30 days, as follows:

1. Expert Witnesses for Plaintiff shall be identified by reports due January 18, 2012.
2. Expert Witnesses for Defendants shall be identified by reports due February 20, 2012.
3. Discovery must be completed by March 27, 2012.
4. Mediation/ADR must be completed by May 30, 2012.
5. Dispositive Motions will be filed by April 22, 2012.
6. All other Pretrial Motions will be filed by April 22, 2012.
7. Joint Pretrial Order will be filed by July 26, 2012.
8. Docket Call will be held in Court 9-F starting at 4 p.m. on August 16, 2012 or other date as set by the Court.

Wherefore, the Receiver respectfully requests that the Court hereby extend the deadlines of the Scheduling Order thirty days as set forth above in order to accommodate ongoing settlement discussions.

Respectfully submitted,

/s/ Gene R. Besen

Gene R. Besen

State Bar No. 24045491

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**ATTORNEYS FOR PLAINTIFF**

**THOMAS L. TAYLOR, III**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 19th day of December, 2012, a true and correct copy of the foregoing document was served on the following counsel of record via ECF.

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/s/ Gene R. Besen  
Gene R. Besen

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that on the 19th day of December, 2012, Defendant Barrington Financial Advisors stated that they do not oppose this motion. Counsel was unable to reach Defendants Daniel S. Frishberg and Elisea T. Frishberg, but represents to the Court that settlement negotiations are ongoing.

/s/ Gene R. Besen  
Gene R. Besen