

**In the United States District Court
for the Southern District of Texas
Houston Division**

THOMAS L. TAYLOR, III, etc..)	
et al.)	
)	
Plaintiffs)	
)	
v.)	Civil Action No. 4:12-cv-01491 (NFA)
)	
DANIEL S. FRISHBERG, et al.)	
)	
Defendants)	
)	

DEFENDANTS' MOTION TO BE RELIEVED OF OBLIGATION TO MEDIATE

Come not Defendants Daniel Frishberg and Elisea Frishberg, by their attorney, Aaron David Frishberg, seeking relief from this Court's Order directing mediation. The undersigned counsel had opposed the cancellation of mediation on the ground that the Receiver, at the time he applied for this relief, had not seen Defendants' opposition to the motion for summary judgment.

On January 10, 2014, I conferred by telephone with Andrew Goforth, the attorney for the Receiver, concerning the Receiver's position on settlement. On January 13, 2014, Mr. Goforth communicated to me that the Receiver's position on settlement remains unchanged. Accordingly, Defendants believe that any mediation at this time would be unproductive, and seek relief from this Court's order directing mediation.

I am informed by the Receiver's counsel that the Receiver is not opposed to this relief.

Respectfully submitted,

/s/

Aaron David Frishberg
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