

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

JAMES W. ROWCLIFF, III,

Plaintiff/Counter-Defendant,

vs.

CASE NO. 3:10-cv-282/RS-EMT

LUTHER J. RONGSTAD,

Defendant/Counter-Plaintiff.

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ORDER

Before me is Plaintiff's Petition for Appointment of a Receiver and Complaint for Damages (Doc. 1) and Plaintiff's Answer (Doc. 6). Plaintiff shall file a memorandum addressing whether the appointment of a receiver is appropriate not later than October 20, 2010. Defendant shall file his responsive memorandum not later than November 1, 2010.

Parties shall, at a minimum, address the following factors: (1) whether there has been fraudulent conduct; (2) whether there is imminent danger that property will be lost or squandered; (3) whether available legal remedies are adequate; (4) whether the probability that harm to the plaintiff by denial of the appointment would be greater than the injury to the party opposing appointment; (5) the plaintiff's probable success in the action and the possibility of irreparable injury to his interests in the property; (6) and whether the interests of the plaintiff will in fact be well served by the receivership.

ORDERED on October 12, 2010

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE