

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Civil Action No. 08-20227-CIV-HUCK/O’SULLIVAN

VP GABLES, LLC,	:
	:
Plaintiff,	:
	:
vs.	:
	:
THE COBALT GROUP, INC.,	:
	:
Defendant.	:
_____	:

THE COBALT GROUP, INC.	:
	:
Third-Party Plaintiff,	:
	:
vs.	:
	:
NETLINK SOFTWARE GROUP	:
AMERICA, INC., a Michigan corporation;	:
THE COLLECTION, LLC, a Florida	:
limited liability company,	:
	:
Third-Party Defendants.	:
_____	:

**ORDER GRANTING THE COBALT GROUP, INC.’S MOTION FOR PROCEEDING
SUPPLEMENTARY AND IMPLER OF THIRD PARTIES**

THIS CAUSE came before the Court on April 16, 2009 on Defendant, The Cobalt Group, Inc.’s (“Cobalt”), Motion for Proceeding Supplementary and Impleader of Third Parties (the “Motion”). The Court having reviewed the Motion and VP Gables, LLC’s Response to the Motion, having heard argument of counsel, and being otherwise duly advised in the circumstances surrounding the Motion, it is

ORDERED AND ADJUDGED as follows:

1. Proceedings supplementary are hereby commenced in this action pursuant to Federal Rule of Civil Procedure 69 and § 56.29, Fla. Stat.;

2. NetLink Software Group America, Inc. (“NetLink”) and The Collection, LLC (“The Collection”) (collectively, the “Impleaded Parties”) are impleaded in this action;

3. This Order and the Motion shall be served upon the Impleaded Parties by a process server in the manner as provided in Fed. R. Civ. P. 4.1;

4. Each of the Impleaded Parties shall file a response in writing to this Order and the allegations in the Motion (D.E. # 82), a copy of which is attached hereto, within twenty-one (21) days of the service of this Order upon them, and shall serve a copy via the CM/ECF system and via U.S. Mail upon Beth-Ann Krimsky, Esq., Ruden McClosky Smith Schuster & Russell, P.A., P.O. Box 1900, Fort Lauderdale, Florida, 33302, counsel for Cobalt and Ronald M. Rosengarten, Esq. Greenberg Traurig, 1221 Brickell Avenue, Miami, Florida 33131, counsel for VP. Cobalt shall file with the Court a Notice of Service when each of the Impleaded Parties is served with this Order and the Motion;

5. Cobalt is permitted to conduct discovery, including written discovery and depositions, regarding any asset of VP in the possession, custody, control, or within the knowledge of VP and/or the Impleaded Parties;

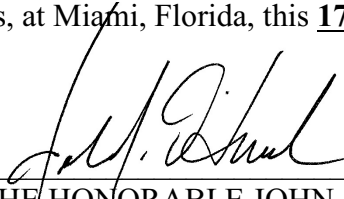
6. VP, Cobalt, and the Impleaded Parties shall appear before United States Magistrate Judge John J. O’Sullivan on **August 19, 2009, at 10:00 A.M.**, at the United States District Court, 301 North Miami Ave., 5th Floor, Miami, Florida, for an evidentiary hearing concerning the satisfaction of the Final Judgment dated February 17, 2009, D.E. # 73, pursuant to § 56.29, Fla. Stat.;

7. VP, Cobalt, and the Impleaded Parties shall appear before United States Magistrate Judge John J. O'Sullivan on **July 10, 2009, at 10:00 A.M.**, at the United States District Court, 301 North Miami Ave., 5th Floor, Miami, Florida, for a Status Conference concerning the evidentiary hearing to be held on August 19, 2009. At the Status Conference, all parties should be ready to discuss stipulations, the conduct of the evidentiary hearing, the duration of the evidentiary hearing, whether live witnesses or deposition transcripts will be used, and any other matters related to the evidentiary hearing set for August 19, 2009;

8. Cobalt's request to direct payments from Netlink under the Note referenced at paragraph 10 of Cobalt's Motion to Cobalt, or to forward such payments to the registry of the Court, is denied, without prejudice for Cobalt to seek such relief at a later date if appropriate;

9. The Court defers ruling on any requests for attorneys' fees and costs until after the evidentiary hearing.

DONE AND ORDERED in Chambers, at Miami, Florida, this **17th** day of April, 2009.



THE HONORABLE JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
U.S. District Judge Huck
All counsel of record via CM/ECF
Impleaded Parties via Process Server