

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No.: 09-20526-CIV-GOLD/McALILEY
Special Master – Thomas E. Scott

KLAUS HOFMANN,

Plaintiff,

CASE NO.: 09-20526-CIV-GOLD/MCALILEY

v.

EMI RESORTS, INC., *et al.*,

Defendants

_____ /

AUREILO AGUILAR, *et al.*,

Plaintiff,

CASE NO.: 09-20657-CIV-GOLD/MCALILEY

v.

EMI RESORTS, INC., *et al.*,

Defendants.

_____ /

SPECIAL MASTER’S SUA SPONTE ORDER
REQUESTING STATUS REPORT REGARDING
FORECLOSURE PROCEEDINGS IN THE DOMINICAN REPUBLIC

THIS CAUSE is before the Special Master SUA SPONTE. On June 16, 2009, the undersigned held separate telephone conferences with attorney Enrique DeMarchena and attorney Dr. Julio Navarro Trabous relating to the pending foreclosure proceeding for the Juan Dolio property in the Dominican Republic. Counsel for the parties were present at these telephone conferences.

Mr. DeMarchena indicated that the Elliott Defendants had three motions that were set for hearing later that day on June 16, 2009. Since the telephone conference, the undersigned has not been advised of the status of hearing, nor the foreclosure proceeding in general. However, yesterday, June 22, 2009, the Elliott Defendants filed their *Status Report Regarding Foreclosure Hearing* [D.E. 439]. This filing merely advises that the foreclosure hearing set for June 16, 2009 (presumably the one which Mr. DeMarchena previously referenced) was postponed and rescheduled for today, June 23, 2009. Irrespective of the delay in notification to the District Court and the undersigned, it is vitally important that the parties file by 11:00 a.m. tomorrow, Wednesday, June 24, 2009, a detailed status update regarding the foreclosure proceeding in the Dominican Republic.

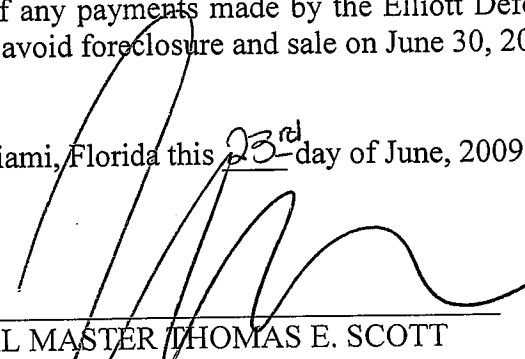
In accordance with the foregoing, it is hereby,

ORDERED and ADJUDGED as follows:

1. By no later than 11:00 a.m. on June 24, 2009, the parties shall file a detailed status update report regarding the foreclosures proceedings in the Dominican Republic.
2. The status update shall include information regarding the following matters:
 - a. The status of the Elliott Defendants' three motions which were to be heard on June 23, 2009 (as originally referenced by Mr. DeMarchena);
 - b. A detailed description of the substantive arguments set forth in the three motions to be heard by the Dominican Republic court, including the substance of the banks' opposition to said motions;
 - c. The status of the potential settlement negotiations with the banks;
 - d. A statement regarding whether the foreclosure and/or sale of the Juan Dolio property is still set for June 30, 2009, or whether it has been postponed; and,

- e. The status of any payments made by the Elliott Defendants to the banks to avoid foreclosure and sale on June 30, 2009.

DONE AND ORDERED in Miami, Florida this 23rd day of June, 2009.



SPECIAL MASTER THOMAS E. SCOTT

Copies furnished to:
United States District Judge Alan S. Gold
U.S. Magistrate Judge Chris M. McAliley
All counsel of record