

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.

_____ /

**MOTION FOR ENLARGEMENT OF TIME TO SUBMIT REPORT
AND RECOMMENDATION REGARDING CONFIDENTIALITY AGREEMENT**

This matter is before the Special Master pursuant to the District Court’s *Interim Order Following Hearing on Preliminary Injunction; Preliminarily Appointing Special Master [D.E. 348]* (“Interim Order”). The Special Master moves this Court for a second enlargement of time to submit a supplemental Report and Recommendation regarding the confidentiality agreement to be entered between the parties.

The Interim Order directed the undersigned to, *inter alia*, work with the parties to develop a confidentiality agreement. The undersigned began this process starting with hearings in early June, 2009. However, it was revealed at the hearing on June 9, 2009 that the Juan Dolio property was facing potential foreclosure and sale at public auction. Accordingly, the majority of the undersigned's efforts since the June 9, 2009 hearing have been directed to ascertaining the status and nature of the foreclosure proceedings for the purpose of making recommendations to the Court regarding the foreclosure.

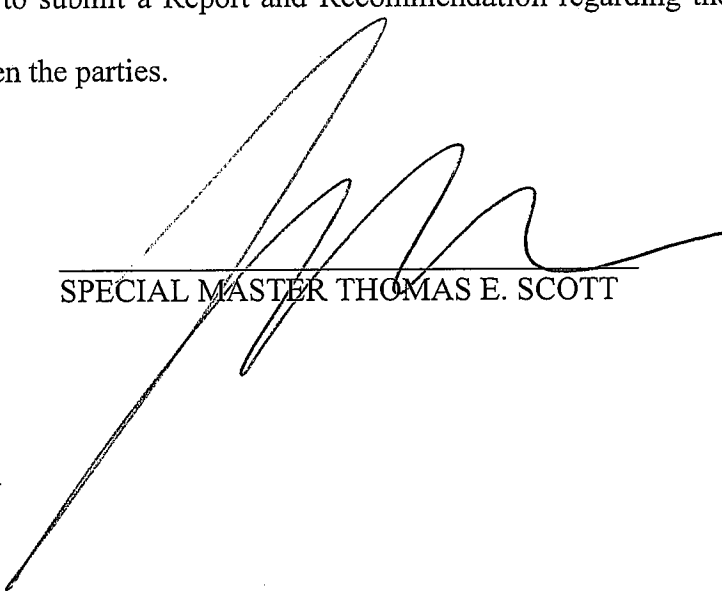
On Friday, June 19, 2009, the undersigned entered a Report and Recommendation pursuant to the Interim Order [D.E. 438]. As part of the Report and Recommendation, the undersigned requested additional time until June 29, 2009 to consider and issue a report upon the confidentiality agreement issue.

However, additional time is needed as the undersigned was ordered on Friday, June 26, 2009, to travel to the Dominican Republic to act as the District Court's direct liaison, to meet with representatives of the parties and the Dominican banks regarding the foreclosure matter on June 29, 2009, and to possibly attend the foreclosure proceedings as representative of the District Court on June 30, 2009, as more fully set forth in the Court's *Interim Order Appointing Special Master* [D.E. 457].

Moreover, since each party will have at least one of their U.S. counsel present in the Dominican Republic participating in and/or observing the Special Master's activities, the undersigned is hopeful that further, constructive discussions regarding the confidentiality agreement (and the objections and concerns each side has specified to date) can occur, which may then be used for the forthcoming Report and Recommendation.

Accordingly, the undersigned respectfully requests additional time, up to and including Friday, July 3, 2009, to provide the Court with a supplemental Report and Recommendation relating to the proposed confidentiality agreement.

WHEREFORE, Special Master Thomas E. Scott respectfully requests the District Court grant an additional (second) enlargement of time, up to and including Friday, July 3, 2009, for the Special Master to submit a Report and Recommendation regarding the confidentiality agreement between the parties.



SPECIAL MASTER THOMAS E. SCOTT

Copies furnished to:
All counsel of record
U.S. District Judge Alan S. Gold