

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

<p>ANTHONY CHIARENZA,</p> <p>Plaintiff,</p> <p>v.</p> <p>IBSG INTERNATIONAL, INC., MICHAEL RIVERS, GEOFFREY BIRCH and JEWETT, SCHWARTZ, WOLFE &amp; ASSOCIATES,</p> <p>Defendants.</p>	<p><b>CASE NO. 09-22736-CIV- SEITZ/O'SULLIVAN</b></p>
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**PLAINTIFF'S NOTICE OF PARTIAL SETTLEMENT AND REQUEST FOR  
ADDITIONAL TIME TO COMPLETE STIPULATION DOCUMENTING  
SETTLEMENT WITH DEFENDANT JEWETT, SCHWARTZ, WOLFE &  
ASSOCIATES**

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Plaintiffs Anthony Chiarenza ("Plaintiff"), by his undersigned counsel, respectfully submits this **Notice of Settlement with Defendant Birch and Request for Additional Time to Complete Stipulation Documenting Settlement with Defendant Jewett, Schwartz, Wolfe & Associates** in response to the **Court's Notice of Practice of Court Practice on Notice of Settlement**, dated January 3, 2011, and in support of Plaintiff's request states as follows:

1. On or about December 2010, Plaintiff Chiarenza reached an individual settlement agreement with defendant Geoffrey Birch. Payment of this settlement amount was made and received in January 2011, and a Notice of Stipulation of Dismissal memorializing the settlement was submitted to the Court [DE – 115].

2. On or about October 2010, Plaintiff Anthony Chiarenza, along with Pierce Lord and Jeffrey Bonvallat (the three of whom were appointed lead plaintiffs by the Eastern District of New York prior to transfer of this matter), reached a settlement agreement with defendant Jewett, Schwartz, Wolfe & Associates ("JSW"). The payment of the settlement by JSW was, however, apparently lost in the mail, and Defendant JSW had to track down the lost check, resend it to the Plaintiff's counsel, and the check finally cleared earlier today. As a result, the the final Stipulation of Settlement between the Plaintiff and JSW was not able to be completed today, January 28, 2011, as requested by the **Court's Notice of Practice of Court Practice on Notice of Settlement**.

3. Due to the lateness of the settlement check from JSW, plaintiff's counsel could not execute and arrange for distribution and execution of a stipulation of dismissal by today. Plaintiff thus requests additional time, to February 11, 2011, to distribute, execute and timely file with the Court the Stipulation of Dismissal.

4. Said stipulation with dismissal will be with prejudice as to defendants JSW and Birch - and without prejudice as to the remaining two defendants, who plaintiff was never able to locate to serve process. Said stipulation of dismissal will not affect the rights of non-settling putative class members to bring other actions.

5. Upon filing the Stipulation of Settlement with Defendant Jewett, this action will be finally completed, with prejudice, as against Defendants Birch and Jewett.

6. Because the remaining two defendants originally named in this action, IBSG International, Inc. and Michael Rivers, have never been served, closing the above-captioned case will not constitute a dismissal with prejudice or on the merits, leaving open the opportunity for different plaintiffs to bring either individual or class action claims against those persons.

s/s Abraham Rappaport  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of January 28 2011, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document was served on all counsel of record for the appearing Defendants via transmission of Notices of Electronic Filing generated by CM/ECF, or in some other authorized manner for any counsel or parties who are not authorized to receive Notices of Electronic Filing.

/s/ Abraham Rappaport