

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 04-60573-CIV-MORENO/SIMONTON

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MUTUAL BENEFITS CORP., et al.,

Defendants,

VIATICAL BENEFACTORS, LLC, et al.,

Relief Defendants.

**RECEIVER'S NOTICE OF INTENT TO FILE RESPONSE  
RELATING TO SEC'S NOTICE OF SETTLEMENT**

Roberto Martínez, court-appointed receiver (the "Receiver") of Mutual Benefits Corp. ("MBC"); Viatical Benefactors, LLC ("VBLLC"); Viatical Services, Inc. ("VSI"); and Anthony Livoti, Jr. individually and Anthony Livoti, Jr. P.A., solely in their capacity as trustee (collectively, the "Receivership Entities"), gives the Court notice of his intent to file a response relating to the SEC's Notice of Settlement and Filing of Consents, and states as follows:

1. On December 1, 2005, the SEC filed a Notice of Settlement and of Filing Consents, in which it requests that the Court enter Final Judgments of Permanent Injunction and Other Relief against defendants Joel Steinger, Leslie Steinger, Peter Lombardi and their associated consulting companies. The Notice was served by mail and received by the

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Receiver today.

2. The proposed settlement is subject to this Court's review and approval. *See, e.g., SEC v. Levine*, 881 F.2d 1165, 1181 (2d Cir. 1989) ("To be sure, when the district judge is presented with a proposed consent judgment, he is not merely a 'rubber stamp.' . . . But if he elected to disapprove unless a certain term that he thought appropriate were included, the parties would have the options of including the term or declining to proceed with the consent judgment."); *SEC v. Randolph*, 736 F.2d 525, 529 (9th Cir. 1984) ("The initial decision to approve or reject a settlement proposal is committed to the sound discretion of the trial judge.").

3. The Receiver respectfully requests the same amount of time to submit a response relating to the Notice as a party would receive in responding to a motion under the Local Rules, that is, ten (10) days after service of the Notice as computed in the Federal Rules of Civil Procedure.

4. This request is not made for the purpose of delay or any other improper purpose. The Receiver requests this time in order to carefully review the proposed settlement and to insure that he has taken all appropriate measures to protect the interests of MBC's investors and creditors in this regard.

WHEREFORE, the Receiver respectfully requests that the Court allow the Receiver ten (10) days after service of the Notice of Settlement as computed in the Federal Rules of Civil Procedure in which to file a response relating to the Notice.

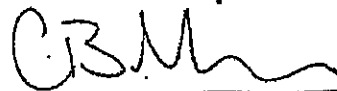
Respectfully submitted,

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By:   
Curtis B. Miner, Esq.  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing notice was served by electronic mail in accord with the attached Receiver's Service List on December 5, 2005.

  
Curtis B. Miner, Esq.

**SERVICE LIST OF RECEIVER**

Case No.: 04-60573 CIV-Moreno

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