

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA – FORT MYERS DIVISION**

Case No. 2:09-cv-445-FtM-29SPC

DANIEL S. NEWMAN, as Receiver for Founding Partners Capital Management Company; Founding Partners Stable-Value Fund, L.P.; Founding Partners Stable-Value Fund II, L.P.; Founding Partners Global Fund, Ltd.; and Founding Partners Hybrid-Value Fund, L.P.,

Plaintiff,

vs.

SUN CAPITAL, INC., a Florida corporation, SUN CAPITAL HEALTHCARE, INC., a Florida corporation, and HLP PROPERTIES OF PORT ARTHUR, LLC, a Texas limited liability company,

Defendants.

PARTIES' JOINT FILING CONCERNING UNSEALING OF JOINT NOTICE

Plaintiff the Receiver (the “Receiver”) for Founding Partners Capital Management Co., Founding Partners Global Fund, Ltd., Founding Partners Stable-Value Fund, LP, Founding Partners Stable-Value Fund II, LP, and Founding Partners Hybrid-Value Fund, LP (collectively, the “Receivership Entities”) and Defendants Sun Capital Healthcare, Inc., Sun Capital, Inc., and HLP Properties of Port Arthur, LLC (collectively, “Defendants”) hereby submit their Joint Filing Concerning Unsealing of Joint Notice.

1. On December 3, 2010, the Parties submitted their most recent joint notice under seal. (Doc. S-2).
2. On December 7, 2010, the Court entered an Order that, among other things, indicated that the joint notice did not appear to require sealing and that the Court may

unseal the joint notice within 14 days, in the absence of an objection by the Parties. (Doc. 215).

3. The purpose of this filing is to notify the Court that the Parties agree that the joint notice can be unsealed.

4. The Parties had earlier requested leave to file the joint notice under seal because, at that time, it was anticipated that the joint notice would reference confidential settlement materials. (Doc. 209, 210). However, that confidential information was not included in the joint notice that was ultimately filed.

CONCLUSION

For the foregoing reasons, the Parties have no objection to the unsealing of the joint notice.

Dated: December 20, 2010

Respectfully submitted,

By: /s/ Jonathan Etra

Jonathan Etra
Florida Bar No. 0686905
jetra@broadandcassel.com
BROAD AND CASSEL
2 South Biscayne Blvd., 21st Floor
Miami, FL 33131
Tel.: 305.373.9447
Fax: 305.995.6403
Attorneys for Plaintiff

By: /s/ Jonathan Galler

Sarah S. Gold, Esq. (*pro hac vice*)
Florida Bar No. 0032190
sgold@proskauer.com
Karen E. Clarke, Esq. (*pro hac vice*)
kclarke@proskauer.com
PROSKAUER ROSE LLP
1585 Broadway
New York, NY 10036-8299
Tel: (212) 969-3000
Fax: (212) 969-2900
- and -

Jonathan Galler, Esq.
Florida Bar No. 0037489
jgaller@proskauer.com
PROSKAUER ROSE LLP
2255 Glades Road, Suite 340W
Boca Raton, FL 33431
Tel: (561) 241-7400
Fax: (561) 241-7145
Attorneys for Defendants