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Sep 29 2005
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 05-60201-CIV-ALTONAGA

GLOBETEL COMMUNICATIONS CORP.,

Plaintiff,

vs.

ALEXSAM, INC., ROBERT E. DORF, JOHN DOE NO.1, AND JOHN DOE NO.2

Defendants.

PARTIES' JOINT RESPONSE TO ORDER TO SHOW CAUSE

Plaintiff, GlobeTel Communications Corp. ("GlobeTel") and Defendants, Alexsam, Inc. ("Alexsam") and Robert E. Dorf ("Dorf"), hereinafter referred to collectively as ("the parties"), by and through their undersigned counsels, hereby file a Joint Response to the Order to Show Cause entered by this Court on September 26, 2005, and in support states as follows:

1. August 19, 2005, a Settlement and License Agreement was entered into by the parties, settling all claims alleged in this action.

2. Pursuant to the Settlement and License Agreement, Plaintiff filed a Stipulation and Order of Dismissal with Prejudice of all Defendants[1] on August 22, 2005, through the Court's Electronic filing system and received the electronic filing receipt[2] shortly thereafter.

[1] A true and correct copy attached hereto as Exhibit 1.
[2] A true and correct copy attached hereto Exhibit 2.

3. Defendants therefore did not serve their answer and/or a response to the Complaint that was due on August 22nd, and the parties did not file a Joint Scheduling Report due on August 24th, due to the fact that the case was settled and the parties timely filed the Stipulation for Dismissal.

3. Furthermore, up until September 26, 2005, when the Court entered the Order to Show Cause Why the Case Should Not Be Dismissed, the parties were patiently awaiting the Court's Order of Dismissal, dismissing the case with prejudice as petitioned, and directing the Clerk to close the case accordingly.

4. Plaintiff counsel's office followed up immediately with the docket clerk, Tammy Blakely, who acknowledged that because the Stipulation and Order of Dismissal had a section at the bottom for Judge Altonaga to sign, it was not stamped, filed, and/or entered on the docket sheet, instead, it was sent directly to the Judge's chambers.

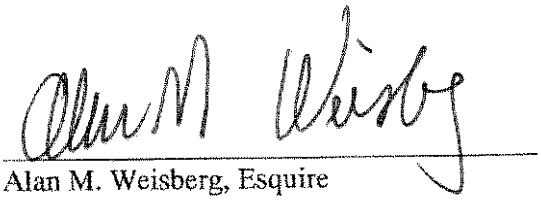
5. In view of the fact that the original filing appears to be missing, the parties hereby file said Stipulation and Order for Dismissal for the second time, concurrently with this response.

WHEREFORE, the parties respectfully request this Court to dismiss this case with prejudice, pursuant to the Stipulation and Order of Dismissal and not impose sanctions.

CERTIFICATE OF COUNSELS

Pursuant to the Local Rules for the Southern District of Florida, the undersigned counsels have consented to this Response to the Order to Show Cause as filed herein.

Dated: September 28, 2005

By: 

Alan M. Weisberg, Esquire
Florida Bar No. 479349
aweisberg@cwcip.com
CHRISTOPHER & WEISBERG, P.A.
200 East Las Olas Boulevard, Suite 2040
Fort Lauderdale, Florida 33301
(954) 828-1488 (Telephone)
(954) 828-9122 (Facsimile)

Attorneys for Plaintiff

By: 

Andrew W. Ransom
Florida Bar No. 964344
aransom@malloylaw.com
MALLOY & MALLOY, P.A.
2800 S.W. Third Avenue
Miami, Florida 33129
Telephone: (305) 858-8000
Facsimile: (305) 858-0008

Attorney for Defendants

41563

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

GLOBETEL COMMUNICATIONS CORP. *Plaintiff*, vs. ALEXSAM, INC., ROBERT E. DORF, JOHN DOE NO. 1, and JOHN DOE NO. 2 *Defendants*.	§ § § § § § § § § § §	Case No. 05-60201-CIV-Altonaga

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE OF ALL DEFENDANTS

This matter having come before the Court on the pleadings of record and it being represented that plaintiff GlobeTel Communications Corp. ("GlobeTel") and defendants Alexsam, Inc. ("Alexsam"), Robert E. Dorf ("Dorf"), John Doe No. 1, and John Doe No. 2 have reached final agreement on settlement of the claims made in this action and all other claims or counterclaims that might have been brought in this action, and, based upon the agreement, consent and approval of the parties, through their respective attorneys, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction over the subject matter of this action.

2. Each claim made by GlobeTel against Alexsam, Dorf, John Doe No. 1 and John Doe No. 2, and each counterclaim made or that could have been made by Alexsam, Dorf, John Doe No. 1 and John Doe No. 2 against GlobeTel, in this action is hereby dismissed with prejudice on the basis of the settlement reached, pursuant to Fed. R. Civ. P. 41.

3. Each party shall bear its own costs and attorneys fees.

AGREED TO AND ACCEPTED BY:

8/22/05

Andrew W. Ransom
Florida Bar No. 964,344
aransom@malloylaw.com
MALLOY & MALLOY, P.A.
2800 S.W. Third Avenue
Miami, Florida 33129
Telephone: (305) 858-8000
Facsimile: (305) 858-0008

Counsel for Defendants

Alan M. Weisberg
Florida Bar No. 0479349
aweisberg@cwcip.com
CHRISTOPHER & WEISBERG, P.A.
200 East Las Olas Blvd., Suite 2040
Fort Lauderdale, Florida 33301
Telephone: (954) 828-1488
Facsimile: (954) 828-9122

Counsel for Plaintiff.

SO ORDERED:

DATE:_____

_____
Cecilia M. Altonaga
United States District Judge

EXHIBIT 2

Judith Parrish

From: Alan M. Weisberg
Sent: Monday, August 22, 2005 1:34 PM
To: Judith Parrish
Subject: FW: The attached electronic ORDER you submitted has been RECEIVED.
Attachments: 05CV60201-08222005@131732_ECF002.pdf

Here is the electronic filing receipt. Please forward to counsel.

From: E-File_FLSD@flsd.uscourts.gov [mailto:E-File_FLSD@flsd.uscourts.gov]
Sent: Monday, August 22, 2005 1:25 PM
To: Alan M. Weisberg
Subject: Fw: The attached electronic ORDER you submitted has been RECEIVED.

See information listed below. Thank you

----- Forwarded by E-File FLSD/FLSD/11/USCOURTS on 08/22/2005 01:27 PM -----

Ticket EFFL-6FHNGC

Date: 08/22/2005

Dear Counsel:

Subject: **The attached electronic ORDER you submitted has been RECEIVED.** Thank you for using our e-filing system.

CM/ECF COMING EARLY 2006

The United States District Court for the Southern District of Florida is planning to implement the Case Management/Electronic Case Files (CM/ECF) system in early 2006. CM/ECF will provide full electronic noticing via e-mail and user friendly electronic case filing features similar to this system. CM/ECF will replace the e-filing system and FaxBack. Therefore attorneys will be asked to register for CM/ECF at some point later this year. Please view our website at www.flsd.uscourts.gov to keep current with CM/ECF developments.

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