

Defendant was confident he could find a family member, friend or some other means to fund the trip and that remained a possibility he continued exploring until the day prior to the hearing. Despite the fact that raising the funds may have grown increasingly improbable as the date of the hearing neared, the Defendant remained confident that some solution would be forthcoming. About 3 weeks prior to the hearing the additional complication of what appears to be an autoimmune challenge, in the form of severely swollen and painful hands and hips, came up but again there wasn't a reason to imagine the body wouldn't heal well in advance of the hearing and despite spending substantial time in bed and being in severe pain, the Defendant remained hopeful that both a remedy for the funding challenge and a mitigation of the symptoms would happen in time. On the morning of 8/13, it was clear that the trip would be impossible.

Finally, the reason the filing was made an hour before the hearing rather than on 8/13, is because at that time and in the days before, the Defendant's wife was in discussion with the Receiver's counsel hoping to complete a negotiated settlement and the Defendant did not want his filing to influence those discussions and tried to give the discussion every opportunity to conclude successfully.

August 18th, 2019

Respectfully submitted,

DEFENDANT JEROME H. COHEN

By:

Jerome H. Cohen



CERTIFICATE OF SERVICE

I hereby certify that on August 18th, 2019, a copy of the foregoing **TO DEFENDANTS RESPONSE TO THE HONORABLE JUDGE KIM'S MINUTE ENTRY DOCUMENT No. 475** was served by filing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel of record.



Shaun D. Cohen



Jerome H. Cohen