

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

SECURITIES AND EXCHANGE COMMISSION §

Plaintiff, §

v. §

THURMAN P. BRYANT, III and §  
BRYANT CAPITAL FUNDING, INC. §

Case 04:17-CV-00336-ALM

Defendants, §

And §

ARTHUR F. WAMMEL, §  
WAMMEL GROUP, LLC, §  
THURMAN P. BRYANT, JR., §  
CARLOS GOODSPEED a/k/a SEAN PHILLIPS §  
d/b/a TOP AGENT ENTERTAINMENT d/b/a/ §  
MR. TOP AGENT ENTERTAINMENT §

Relief Defendants. §

**RECEIVER JENNIFER ECKLUND’S AMENDED MOTION  
FOR ENTRY OF AN ORDER EXTENDING DEADLINE TO FILE NOTICES  
PURSUANT TO 28 U.S.C § 754**

Jennifer Ecklund, the Court-appointed Receiver (the “**Receiver**”) for the Thurman P. Bryant, III and Bryant Capital Funding, Inc. (collectively, the “**Defendants**”) receivership estates (together, the “**Receivership Estate**”), hereby respectfully moves this Court for an order extending the deadline to file required notices under 28 U.S.C. § 754 for thirty (30) days to July 24, 2017 (the “**Motion**”). In support of this Amended Motion, the Receiver respectfully represents the following:

**I.  
BACKGROUND**

1. On May 15, 2017, Plaintiff, the Securities and Exchange Commission (“**SEC**”), filed its Complaint [Dkt. No. 1] (the “**Complaint**”) against Defendants. Arthur F. Wammel (“**Wammel**”), Wammel Group, Inc. (“**Wammel Group**”), Carlos Goodspeed a/k/a Sean Phillips d/b/a Top Agent Entertainment d/b/a Mr. Top Agent Entertainment (“**Goodspeed**”), and Thurman P. Bryant, Jr. (“**Bryant Jr.**,” and collectively with Wammel, Wammel Group, and Goodspeed, the “**Relief Defendants**”) were named as relief defendants. The Complaint alleges the Defendants violated federal securities laws by, among other things, engaging in fraudulent activities and misrepresentations to investors regarding guaranteed returns on “risk-free investments.”

2. On May 15, 2017 (the “**SEC Application Date**”), the SEC filed its application for the appointment of a receiver for Defendants [Dkt. No. 4] (the “**SEC Application**”).

3. On May 15, 2017, after the Court’s review of the SEC Application and upon the Court’s conclusion that the Court has subject matter jurisdiction over this case and personal jurisdiction over the Defendants, the Court determined that entry of an order appointing a receiver over Defendants was both necessary and appropriate to marshal, conserve, hold and operate all of the Defendants’ assets, pending further order of the Court. Accordingly, the Court entered its Order Appointing Receiver [Dkt. No. 17] (the “**Receivership Order**”) on May 15, 2017, naming Jennifer R. Ecklund as the Receiver over the Receivership Estate.

4. The same day, the Court entered the *Ex Parte* Order Granting Motion for Temporary Restraining Order [Dkt. No. 16].

5. Pursuant to the Receivership Order, the Receiver is charged with marshaling and preserving all the assets of the Defendants (the “**Receivership Assets**”).

6. On May 24, 2017, the Receiver filed its Motion to extend the deadline to file notices pursuant to 28 U.S.C. § 754. [Dkt. No. 21].

7. On May 30, 2017, this Court granted Dkt. No. 21 and extended the deadline to file notices pursuant to 28 U.S.C. § 754 to June 23, 2017. [Dkt. No. 25].

8. On June 14, 2017, the Receiver filed her Receiver's Initial Report for Receivership Estates. [Dkt. No. 32].

9. Since the Receiver's appointment by the Court on May 15, 2017, the Receiver and her team have seized certain of the Receivership Assets. As of the date of this Motion, the Receiver's investigation, location, seizure, and analysis of the Receivership Assets is active and ongoing.

10. The Defendants were alleged to be in the business of investing in short-term mortgage purchases, and raised funds in furtherance of this alleged purpose from investors across the United States. To date, the Receiver has not yet identified assets outside of the Eastern District of Texas. As such, the Receiver has not yet filed any notices pursuant to 28 U.S.C. § 754. *See* 28 U.S.C. § 754 (requiring a receiver to, "within ten days after the entry of his order of appointment, file copies of the complaint and such order of appointment in the district court for each district in which property is located"). The current deadline to file notices pursuant to 28 U.S.C. § 754 is June 23, 2017 (the "**Section 754 Deadline**").

11. The Receiver is still investigating the Receivership Assets (and thus the Receivership Estate). As such, the Receiver requests additional time to file the required notices under 28 U.S.C. § 754 in jurisdictions in which the Receiver discovers assets of the Receivership Estate.

**II.  
RELIEF REQUESTED**

12. By this Motion, the Receiver seeks entry of an order extending the Section 754 Deadline pursuant to this Court's equitable powers under Fed. R. Civ. P. 6(b)(1)(A) for thirty (30) days to **July 24, 2017**.

13. The Federal Rules of Civil Procedures provide that, "[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time—(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires." *See* Fed. R. Civ. P. 6(b)(1)(A); *see also Terry v. June*, Case No. 303-cv-52, 2013 WL 22125300 at \*3 (W.D. Va. Sept. 12, 2003) (providing a receiver an additional ten days for then unknown assets because filing a notice in all 94 federal districts "would produce a needless waste of time and lead to dissipation of assets otherwise returnable to defrauded investors").

14. Since the granting of the first request to extend the deadline [Dkt. No. 25], the Receiver has received, and is still receiving, gigabytes of documents from the SEC and other government agencies relating to documents and information received from Defendants and Relief Defendants. Specifically, the Receiver is requesting an additional extension to fully process and review what the Receiver obtained from the SEC in order to properly account for all assets in the Receivership Estate; thereby, preserving and marshalling the Receivership Assets.

15. This is the second such request the Receiver has made. This Motion is filed not for purposes of delay but in the interest of preserving the Receivership Estate. Because the Receiver is still investigating the Receivership Assets, which may include assets in other districts, good cause exists to extend the Section 754 Deadline to July 24, 2017.

WHEREFORE, the Receiver respectfully requests that this Court grant this Motion and enter an order (a) extending the Section 754 Deadline to **July 24, 2017** to provide the Receiver with an additional thirty (30) days to file the required notices under 28 U.S.C. § 754; and (b) granting such other relief as is just and equitable.

Dated: June 22, 2017.

Respectfully submitted,

By: /s/ Katharine Battaia Clark  
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**PROPOSED COUNSEL TO RECEIVER**

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that Counsel for Receiver has complied with the meet and confer requirement in Local Rule CV-7(h) and the Receiver reached out to the Defendant Thurman P. Bryant, III (*pro se*) and did not obtain an answer as to whether the Defendant is opposed or unopposed to this Motion.

/s/ Katharine Battaia Clark  
Katharine Battaia Clark

**CERTIFICATE OF SERVICE**

I hereby certify that on June 22, 2017, I electronically filed the foregoing document with the Clerk for the United States District Court, Eastern District of Texas. The electronic case filing system (ECF) will send a Notice of Electronic Filing (NEF) to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means. The foregoing document will also be sent to all counsel of record via the method identified below:

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*/s/ Katharine Battaia Clark*  
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