

**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 SECOND 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. 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 August 28, 2017 (the “**Motion**”). In support of this Second 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 Thurman P. Bryant, III and Bryant United Capital Funding, Inc. (the “**Receivership Defendants**”), Arthur F. Wammel (“**Wammel**”), Wammel Group, LLC (“**Wammel Group**” together with Wammel, the “**Wammel Defendants**”), 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 the Wammel Defendants, 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 Receivership 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 Receivership 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. On June 23, 2017, the Receiver filed its Amended Motion to extend the deadline to file notices pursuant to 28 U.S.C. § 754. [Dkt. No. 35].

10. On June 30, 2017, this Court granted Dkt. No. 35 and extended the deadline to file notices pursuant to 28 U.S.C. § 754 to July 24, 2017. [Dkt. No. 39].

11. 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.

12. Specifically, the Receiver has uncovered a complex scheme of monetary transfers between the Receivership Defendants and the Wammel Defendants.

13. On July 19, 2017, the Receiver filed her *Ex Parte Emergency Motion to Expand the Receivership and Asset Freeze Against the Wammel Defendants and Temporary Restraining Order and Preliminary Injunction* [Dkt. No. 45], seeking to expand the Receivership against the Wammel Defendants.

14. On July 19, 2017, the Court granted the *Ex Parte Order Granting Receiver's Ex parte Emergency Motion to Expand the Receivership and Asset Freeze Against the Wammel Defendants, for Temporary Restraining Order, and for Preliminary Injunction* [Dkt. No. 49] and *Amended Order Appointing Receiver* [Dkt. No. 48].

15. To date, the Receiver has identified assets in the Eastern District of Texas and has only as of July 20, 2017 identified assets in the Southern District of Texas. As such, the Receiver has not yet filed any notices pursuant to 28 U.S.C. § 754.¹ 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 July 24, 2017 (the “**Section 754 Deadline**”).

16. With the granted expansion to include the Wammel Defendants, the Receiver has begun investigating and searching for assets outside of the Eastern District of Texas.

17. The Receiver is still investigating the newly-expanded 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, now including the Wammel Defendants.

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 **August 28, 2017**.

¹ However, the Receiver will work to immediately file Notice in the Southern District of Texas.

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 second request to extend the deadline [Dkt. No. 39], 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, review, and investigate all assets controlled by the Wammel Defendants. Further, the Receiver is requesting an additional extension to properly account for all assets in the Receivership Estate; thereby, preserving and marshalling the Receivership Assets.

15. This is the third such request the Receiver has made. This Motion is filed not for purposes of delay but in the interest of preserving the Receivership Estate and marshalling the Wammel Defendants as they have been added under the Receiver’s control and 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 August 28, 2017.

WHEREFORE, the Receiver respectfully requests that this Court grant this Motion and enter an order (a) extending the Section 754 Deadline to **August 28, 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: July 24, 2017.

Respectfully submitted,

By: /s/ Mackenzie M. Wallace

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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 Receiver Defendants (pro se) and the Wammel Defendants and the parties are unopposed to this Motion.

/s/ Mackenzie M. Wallace
Mackenzie M. Wallace

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 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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**ORDER EXTENDING DEADLINE TO FILE NOTICES
PURSUANT TO 28 U.S.C. § 754**

Upon consideration of the *Receiver Jennifer Ecklund's Second Amended Motion for Entry of an Order Extending Deadline to File Notices Pursuant to 28 U.S.C. § 754* (the "**Motion**"), any responses or objections to the Motion, and any replies in support of the Motion, this Court finds that (a) the relief requested in the Motion is in the best interests of the Receivership Estate, potential claimants, and all other parties; (b) notice of the Motion was good and sufficient under the particular circumstance and that no other or further notice need be given; and (c) based on the record herein and after due deliberation it is hereby **ORDERED:**

1. The Motion is **GRANTED** in all respects.
2. All objections not withdrawn or resolved by this Order are overruled in all respects.
3. The Receiver's deadline to file notices of her appointment pursuant to 28 U.S.C. § 754 is extended up to, and including, August 28, 2017.

SIGNED this ____ day of _____, 2017.

UNITED STATES DISTRICT JUDGE