

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

JENNIFER ECKLUND, RECEIVER,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Ancillary Civil Action No. 4:18-cv-359
	§	
ROBERT AND SANDRA BAILEY, et al.	§	
	§	
Defendants.	§	

**MOTION TO DISMISS
DEFENDANT CALEHR & ASSOCIATES WITHOUT PREJUDICE**

In accordance with Federal Rules of Civil Procedure 41 and 66, Plaintiff Jennifer Ecklund, in her capacity as the Court-appointed Receiver (the “**Receiver**”) for Defendants Thurman P. Bryant, III and Bryant United Capital Funding, Inc. and Defendant Arthur F. Wammel, Defendant Wammel Group, LLC, and Wammel Group Holdings Partnership receivership estates, hereby files this *Motion to Dismiss Defendant Calehr & Associates Without Prejudice* (the “Motion”) and respectfully shows the Court as follows:

1. The Receiver filed this lawsuit on May 15, 2018.
2. The Receiver and Defendant Calehr & Associates have since resolved the claims at issue between them in this lawsuit.
3. Accordingly, under Federal Rule of Civil Procedure 41(a), the Receiver seeks to voluntarily dismiss without prejudice the claims brought against Defendant Calehr & Associates in the Receiver’s complaint in the above-numbered and styled case.
4. The Receiver has not previously dismissed an action against Defendant Calehr & Associates based on or including the same claim or claims as those presented in this case.

5. Only Defendant Calehr & Associates will be dismissed from this action by the proposed *Order Granting Motion to Dismiss Defendant Calehr & Associates Without Prejudice* filed with this Motion.

DATED: July 9, 2018.

Respectfully submitted,

By: /s/ Timothy E. Hudson

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COUNSEL TO RECEIVER

CERTIFICATE OF SERVICE

On July 9, 2018, I electronically submitted the foregoing document to the Clerk of the Court for the United States District Court for the Eastern District of Texas using the electronic case filing system of the Court.

/s/ Timothy E. Hudson
Timothy E. Hudson

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Plaintiff,

v.

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Ancillary Civil Action No. 4:18-cv-359

**ORDER GRANTING MOTION TO DISMISS
DEFENDANT CALEHR & ASSOCIATES WITHOUT PREJUDICE**

On this date, the Court considered the *Motion to Dismiss Defendant Calehr & Associates Without Prejudice* (the "Motion"). The Court, having considered the Motion, finds that the Motion should be granted. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

The relief requested in the Motion is **GRANTED**. Defendant Calehr & Associates is hereby **DISMISSED WITHOUT PREJUDICE**. Defendant Calehr & Associates is the only defendant dismissed in this Order.

IT IS FURTHER ORDERED that this is a final, appealable order. All relief not granted herein is **DENIED**.

IT IS FURTHER ORDERED that all costs are taxed against the party incurring same.

IT IS SO ORDERED.