

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

SECURITIES AND EXCHANGE §
COMMISSION §

Plaintiff, §

v. §

Case 04:17-CV-00336-ALM

THURMAN P. BRYANT, III and §
BRYANT UNITED CAPITAL FUNDING, §
INC., ARTHUR F. WAMMEL, §
WAMMEL GROUP, LLC, CARLOS §
GOODSPEED a/k/a SEAN PHILLIPS §
a/k/a GC d/b/a TOP AGENT §
ENTERTAINMENT d/b/a/ MR. TOP §
AGENT ENTERTAINMENT, §

Defendants, §

and §

THURMAN P. BRYANT, JR., §

Relief Defendant. §

MOTION FOR RETURN OF RECEIVERSHIP PROPERTY

Jennifer Ecklund, the Court-appointed Receiver (the “**Receiver**”) for Defendants Thurman P. Bryant, III (“**Bryant**”) and Bryant United Capital Funding, Inc. (“**BUCF**”) (Bryant and BUCF, collectively, the “**Bryant Defendants**”) and Defendant Arthur F. Wammel (“**Wammel**”), Defendant Wammel Group, LLC (the “**Wammel Group**”), and Wammel Group Holdings Partnership (“**WGHP**”) (together Wammel, Wammel Group, and WGHP, the “**Wammel Defendants**”) receivership estates (together, the “**Receivership Estate**” or the “**Receivership**”) in the above-captioned case (the “**Case**”), files this *Motion for Return of Receivership Property* (the “**Motion**”), and in support thereof, respectfully states as follows:

1. On September 27, 2017, the Receiver filed her Motion to Request a Copy of the Return on the Search Warrant [Dkt. No. 120] (the “**Search Warrant Motion**”), which this Court granted on September 29, 2017 [Dkt. No. 123]. In the Search Warrant Motion, the Receiver explained that prior to taking possession of Bryant’s primary residence at 5343 Buena Vista Dr., Frisco, TX 75034 (the “**Home**”) on May 16, 2017, the Federal Bureau of Investigation (“**FBI**”) executed a search warrant at the Home and seized certain property pursuant to a search warrant in an ongoing criminal investigation and sealed case filed in the United States Magistrate Court for the Eastern District of Texas (the “**Criminal Case**”). It was and continues to be the Receiver’s position that items seized by the FBI constitute property within the Receivership Estate, and thus the Receiver files this Motion requesting that the Court enter an order to return the aforementioned seized property to the Receiver for liquidation.

2. The Amended Order Appointing Receiver [Dkt. No. 48] (the “**Receivership Order**”) authorizes the Receiver to “take custody, control and possession of all Receivership Property and records relevant thereto from Receivership Defendants; to sue for and collect, recover, receive and take into possession from third parties all Receivership Property and records relevant thereto. . . .” *Id.* at ¶ 7A. The Receivership Order also directs and authorizes the Receiver to “manage, control, operate and maintain the Receivership Estates and hold in [her] possession, custody and control all Receivership Property, pending further Order of this Court,” as well as to “use Receivership Property for the benefit of the Receivership Estates, making payments and disbursements and incurring expenses as may be necessary or advisable in the ordinary course of business in discharging [her] duties as Receiver.” *Id.* at ¶ 7C–D.

3. The Receiver is further authorized by the Receivership Order to “take immediate possession of all personal property of the Receivership Defendants, wherever located. . . .” and to

“transfer, compromise, or otherwise dispose of any Receivership Property, other than real estate, in the ordinary course of business, on terms and in the manner the Receiver deems most beneficial to the Receivership Estate, and with due regard to the realization of the true and proper value of such Receivership Property.” *Id.* at ¶¶ 17, 35.

4. On May 16, 2017, the FBI executed a search warrant at the Home. As part of that warrant, the FBI seized and is currently in possession of the following Receivership Property (the “**Seized Receivership Property**”):

- a. Ladies Rolex Datejust Two Tone Model No. 178273, Serial No. C44J1151;
- b. Ladies Rolex Datejust Two Tone Model No. 178273, Serial No. G481454;
- c. Man’s Rolex Datejust Two Tone Model No. 116333, Serial No. G548227; and
- d. One (1) Evolution 660 Motorized Six Passenger Cart, Metallic Purple in Color, Bearing VIN 1H9H4082910568944 and Serial No. 210689814.

5. Pursuant to the powers vested in the Receiver in the Receivership Order, the Receiver respectfully requests that this Court enter an order to return the Seized Receivership Property to the Receiver to liquidate these valuable Receivership Assets for the benefit of the aggrieved investors. The Receiver further prays for such other and further relief, general or special, at law or in equity, to which she may show herself justly entitled.

DATED: April 11, 2019.

Respectfully submitted,

THOMPSON & KNIGHT LLP

By: /s/ Timothy E. Hudson

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COUNSEL TO RECEIVER

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2019, 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.

/s/ Timothy E. Hudson
Timothy E. Hudson

Via Electronic Mail:

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COUNSEL FOR CARLOS GOODSPEED

CERTIFICATE OF CONFERENCE

Mackenzie M. Salenger, counsel for the Receiver, and counsel for Plaintiff, conferred on April 10, 2019, in compliance with the meet and confer requirement in Local Rule CV-7(h). Counsel for Plaintiff is unopposed to the relief sought in this Motion.

Mackenzie M. Salenger, counsel for the Receiver, and counsel for the Wammel Defendants conferred on April 11, 2019, in compliance with the meet and confer requirement in Local Rule CV-7(h). Counsel for the Wammel Defendants is opposed to the relief sought in this Motion.

Mackenzie M. Salenger, counsel for the Receiver, attempted to confer with counsel for Carlos Goodspeed on April 10, 2019 and April 11, 2019, in compliance with the meet and confer requirement in Local Rule CV-7(h). Counsel for Carlos Goodspeed did not respond regarding whether he is opposed or unopposed to the relief sought in this Motion.

/s/ Timothy E. Hudson
Timothy E. Hudson

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| AGENT ENTERTAINMENT d/b/a/ MR. | § | |
| TOP AGENT ENTERTAINMENT, | § | |
| Defendants, | § | |
| | § | |
| and | § | |
| | § | |
| THURMAN P. BRYANT, JR., | § | |
| | § | |
| Relief Defendant. | § | |

ORDER GRANTING MOTION FOR RETURN OF RECEIVERSHIP PROPERTY

On this date, the Court considered the Receiver’s *Motion for Return of Receivership Property* (the “Motion”).¹ The Court, having considered the Motion, finds that the Motion should be granted. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The relief requested in the Motion is **GRANTED**.
2. The Seized Receivership Property listed below shall be returned to the Receiver:
 - Ladies Rolex Datejust Two Tone Model No. 178273, Serial No. C44J1151;

¹ All capitalized terms not expressly defined herein shall have the same meaning as ascribed in the Motion.

- Ladies Rolex Datejust Two Tone Model No. 178273, Serial No. G481454;
- Man's Rolex Datejust Two Tone Model No. 116333, Serial No. G548227;
and
- One (1) Evolution 660 Motorized Six Passenger Cart, Metallic Purple in Color, Bearing VIN 1H9H4082910568944 and Serial No. 210689814.

3. The Receiver is authorized to (i) liquidate the Seized Receivership Property, (ii) engage any auctioneers and/or liquidators that the Receiver deems necessary to accomplish the liquidation by public or private sale, (iii) incur related costs, and (iv) deposit the proceeds into the Receiver's bank account for use in the ordinary course of the Receivership.

IT IS SO ORDERED.