

**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-360
	§	
BEDAZZLED et al.,	§	
	§	
Defendants.	§	

**RECEIVER’S MOTION TO APPOINT MAGISTRATE JUDGE AS MEDIATOR**

Plaintiff Jennifer Ecklund, in her capacity as 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**”), hereby files her *Motion to Appoint Magistrate Judge as Mediator* (the “**Motion**”), and in support thereof respectfully states as follows:

1. Pursuant to the Court’s Scheduling Order [Dkt. 80], March 9, 2019 is the deadline to notify the Court of the agreed-upon mediator, or request that the Court select a mediator if the parties are unable to agree upon one.

2. The Receiver requests a magistrate judge serve as mediator in this case because the Receiver believes there are multiple benefits to appointing a magistrate judge as mediator. Specifically, the Receiver believes the benefits include, but are not limited to, (a) the benefit of independent and impartial review of the parties’ positions; (b) the benefit of cost-saving aspects;

(c) the benefit of having a judge to consult with the parties regarding evidentiary issues; and (d) the benefit of having a judge comment on the parties' issues regarding dispositive motions.

3. The Receiver and her counsel previously used a magistrate judge as a mediator in this district and found the use of the magistrate judge a great help in order to facilitate amicable settlements. Due to the current circumstances of this Case, appointing a magistrate judge as the mediator is best suited for the parties in order to reach amicable solutions.

4. Between December 2018 and January 2019, the Receiver's counsel communicated with counsel for Defendants Enmotion Enterprises, Inc., ESPI Motors, Inc., Fresh Start Legal Advocates, Inc., MNE Financial Services, LLC, and Christel Such regarding the selection of a mediator to conduct mediation in this case. Counsel to the Receiver and counsel to Defendants Fresh Start Legal Advocates, Inc. and Christel Such specifically request the Court appoint a magistrate judge to conduct mediation in this Case. Counsel to Defendant Enmotion Enterprises, Inc. is opposed to the Court appointing a magistrate judge to conduct mediation in this Case.<sup>1</sup> Counsel to Defendants ESPI Motors, Inc. and MNE Financial Services, LLC was unresponsive.<sup>2</sup>

**WHEREFORE**, the Receiver respectfully requests that the Court enter an order appointing a magistrate judge to mediate this Case.

DATED: February 19, 2019.

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<sup>1</sup> On January 21, 2019, Counsel for Defendant Enmotion Enterprises, Inc. opposed the appointment of a magistrate judge as mediator in this Case because counsel believes use of a magistrate judge would compromise the confidential nature of mediation as the magistrate judge may rule on motions or other issues in this Case. In response, the Receiver's counsel disagreed that the use of a magistrate judge would compromise the confidential nature of the mediation, as counsel for the Receiver could not envision any circumstance in this Case where the magistrate judge would be ruling on motions.

<sup>2</sup> December 31, 2018 email to Defendants regarding mediation, attached hereto as Exhibit A.

Respectfully submitted,

By: /s/ Timothy E. Hudson

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**COUNSEL TO RECEIVER**

**CERTIFICATE OF SERVICE**

On February 19, 2019, 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

**CERTIFICATE OF CONFERENCE**

Sydne K. Collier, counsel for the Receiver, and counsel for Defendant Fresh Start Legal Advocates, Inc. conferred on January 16, 2019, in compliance with the meet and confer requirement in Local Rule CV-7(h). Counsel for Defendant Fresh Start Legal Advocates, Inc. is unopposed to the relief sought in this Motion.

Sydne K. Collier, counsel for the Receiver, and counsel for Defendant Christel Such conferred on January 30, 2019, in compliance with the meet and confer requirement in Local Rule CV-7(h). Counsel for Defendant Christel Such is unopposed to the relief sought in this Motion.

Sydne K. Collier, counsel for the Receiver, attempted to confer with counsel for Defendants ESPI Motors, Inc. and MNE Financial Services, LLC on December 31, 2018 and January 16, 2019, in compliance with the meet and confer requirement in Local Rule CV-7(h). Counsel for Defendants ESPI Motors, Inc. and MNE Financial Services, LLC did not respond regarding whether they are opposed or unopposed to the relief sought in this Motion.

Sydne K. Collier and Timothy E. Hudson, counsel for the Receiver, and counsel for Defendant Enmotion Enterprises, Inc. conferred on December 31, 2018; January 15, 2019; January 16, 2019; and January 21, 2019, in compliance with the meet and confer requirement in Local Rule CV-7(h). Counsel for Defendant Enmotion Enterprises, Inc. is opposed to the relief sought in this Motion.

*/s/ Sydne K. Collier*  
\_\_\_\_\_

Sydne K. Collier

# **EXHIBIT A**

**From:** [Collier, Sydne](mailto:Sydne.Collier@tklaw.com)  
**To:** ["dinesh@singhallaw.com"](mailto:dinesh@singhallaw.com); ["Rdllaw99@aol.com"](mailto:Rdllaw99@aol.com); ["erik@erikwilsonlaw.com"](mailto:erik@erikwilsonlaw.com); ["esmith@eeslaw.com"](mailto:esmith@eeslaw.com); ["djs@shusterlawfirm.com"](mailto:djs@shusterlawfirm.com)  
**Cc:** [Hudson, Timothy E.](mailto:Hudson.Timothy.E@tklaw.com); [Salenger, Mackenzie](mailto:Salenger.Mackenzie@tklaw.com); [Sanchez, Ed](mailto:Sanchez.Ed@tklaw.com)  
**Bcc:** ["david@shusterlawfirm.com"](mailto:david@shusterlawfirm.com)  
**Subject:** Ecklund v. Bedazzled, et al. - 4:18-cv-00360 - Mediation  
**Date:** Monday, December 31, 2018 12:46:40 PM

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All,

As a reminder, the deadline to notify the court of an agreed-upon mediator is March 9, 2019.

The Receiver recommends we request the Court appoint a magistrate judge to conduct mediation in this case. There are multiple benefits to using a magistrate judge for mediation, including the savings of the standard mediation costs.

Because the mediation deadline is April 20, 2019, the Receiver would like to agree upon a mediator and mediate as soon as practicable in an effort to remain cost-efficient for all parties involved.

Please let me know if you are amenable to requesting the Court appoint a magistrate judge to conduct mediation in this case. We would appreciate you letting us know by **Tuesday, January 15, 2019**. Assuming all can agree, we can take the lead in preparing a filing advising the court as to same.

Thank you.

**Sydne K. Collier | Thompson & Knight LLP**

Associate

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*This message may be confidential and attorney-client privileged. If received in error, please do not read. Instead, reply to me that you have received it in error and delete the message. Thank you.*

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**ORDER GRANTING THE RECEIVER’S MOTION TO APPOINT  
MAGISTRATE JUDGE AS MEDIATOR**

On this date, the Court considered the *Receiver’s Motion to Appoint Magistrate Judge as Mediator* (the “Motion”). The Court, having considered the Motion, finds that the Motion should be granted.

The Court hereby **ORDERS** that this case be submitted to mediation in accordance with this court’s Mediation Plan. U.S. Magistrate Judge \_\_\_\_\_ is appointed to mediate the case. The parties are instructed to contact the appointed U.S. Magistrate Judge’s chambers to discuss dates available for mediation.

The mediation shall be conducted by the following date: April 20, 2019.

**IT IS SO ORDERED.**