

**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 DEFENDANTS  
KENNETH HUGHES AND CHELSEA HUGHES 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 Defendants Kenneth Hughes and Chelsea Hughes 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 Defendants Kenneth Hughes and Chelsea Hughes 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 Defendants Kenneth Hughes and Chelsea Hughes in the Receiver’s complaint in the above-numbered and styled case.
4. The Receiver has not previously dismissed an action against Defendants Kenneth Hughes and Chelsea Hughes based on or including the same claim or claims as those presented in this case.

5. Only Defendants Kenneth Hughes and Chelsea Hughes will be dismissed from this action by the proposed *Order Granting Motion to Dismiss Defendants Kenneth Hughes and Chelsea Hughes Without Prejudice* filed with this Motion.

DATED: May 7, 2019.

Respectfully submitted,

By: /s/ Timothy E. Hudson

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**COUNSEL TO RECEIVER**

**CERTIFICATE OF SERVICE**

On May 7, 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