

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

FILED

MAR - 6 2020

Clerk, U.S. District Court
Texas Eastern

SECURITIES & 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. §
§

MOTION FOR RETURN OF PERSONAL PROPERTY

Thurman P Bryant Jr, a/k/a Sonny Bryant, (**Movant**) files this motion, PRO SE, for return of FBI seized personal property. Specifically, two watches currently in possession of Jennifer Ecklund, **Court Appointed Receiver**.

II. **BACKGROUND**

1. On December 26, 2011, Movant contributed \$2,700 toward the purchase of Movant Wife's retirement watch.
2. On August 31, 2012, the Movant and Wife's watches were presented in a ceremony in Denver, Colorado as retirement gifts recognizing 65 combined years of service to the nation while in the military and later as career federal civil servants.
3. On May 15, 2017, Movant and his wife were overnight guests at Defendant Thurman P Bryant III (**Bryant III**) residence, 5343 Buena Vista Dr., Frisco, TX 75034, for the purpose of visiting the grandchildren.
4. On May 15, 2017, Plaintiff, the Securities and Exchange Commission ("**SEC**"), filed its Complaint [Dkt. No. 1] (**the "Complaint"**) against the Bryant Defendants. Arthur F. Wammel ("**Wammel**"), Wammel Group, Inc. ("**Wammel Group**"), 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 Wammel, Wammel Group, and Goodspeed, the "**Relief Defendants**") were named as relief defendants. The Complaint alleges the Bryant Defendants violated federal securities laws, by, among other things,

engaging in fraudulent activities and misrepresentations to investors regarding guaranteed returns on “risk-free investments.” On January 26, 2018, the SEC filed its First Amended Complaint, naming Wammel, Wammel Group, and Goodspeed as Defendants.

5. On May 15, 2017, the SEC filed its application for the appointment of a receiver for the Bryant Defendants [Dkt. No. 4] (**the “SEC Application”**). The Court determined that entry of an order appointing a receiver over the Bryant Defendants was both necessary and appropriate to marshal, conserve, hold and operate all of the Bryant III Defendants’ assets, pending further order of the Court. Accordingly, the Court entered its Order Appointing Receiver [Dkt. No. 17] on May 15, 2017, naming Jennifer R. Ecklund as the Receiver for the Receivership Estate. The Court entered its Amended Order Appointing Receiver [Dkt. No. 48] (**the “Receivership Order”**).

6. On May 16, 2017, the Federal Bureau of Investigation (“**FBI**”) executed a search warrant at Defendant Bryant III’s primary residence (5343 Buena Vista Dr., Frisco, TX 75034) and seized certain property pursuant to a search warrant in an ongoing criminal investigation. As part of that warrant, the FBI seized the following personal property of the Movant:

- (a) Ladies Rolex Datejust Two Tone Model No. 178273, Serial No. unknown; and

(b) Man's Rolex Datejust Two Tone Model No. 116333, Serial No. G548227.

7. On April 11, 2019, the Receiver filed a Motion for Return of Receivership Property from the FBI [Dkt. No. 315], which this Court granted on May 3, 2019 [Dkt. No. 318]. It was the Receiver's position that items seized by the FBI constitute property within the Receivership Estate.

8. On April 12, 2019, Movant contacted the Receiver's attorney to claim two of the watches being requested by [Dkt. No. 315] as Movant's personal property.

(Exhibit - A)

II.

MOVANT AND WIFE'S WATCHES ARE NOT A BRYANT III ASSET AND SHOULD NOT BE WITHIN THE RECEIVERSHIP ESTATE

9. 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. The Movant's personal property is not the property of the Receivership Defendants.

10. The Movant's personal property was seized by the FBI in a criminal investigation and the return of property should be guided by the **Federal Rule of Criminal Procedure 41**, Return of Property.

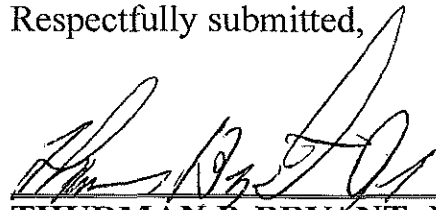
11. The watches are the property of the Movant and illegally held by the Receiver and should be returned immediately to the Movant.

III.
RELIEF REQUESTED

Respectfully requests this Court enter an order for return to the Movant of the FBI Seized Personal Property of the Movant. The Movant further prays for such other further relief, general or special, at law or in equity, to which he may show himself justly entitled.

DATED: March 5, 2020

Respectfully submitted,



THURMAN P. BRYANT, JR.
MOVANT, PRO SE

P.O. Box 1472
Hilltop lakes, Texas
Telephone: (936) 245-2322
sonny_103@hotmail.com

CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2020, I mailed for filing the foregoing document to the Clerk for the United States District Court, Eastern District of Texas. In addition, the foregoing document was sent to all counsel of record via electronic mail.



Thurman P Bryant Jr.

COUNSEL FOR PLAINTIFF:

Jason P. Reinsch

U.S. SECURITIES AND EXCHANGE COMMISSION Fort Worth Regional
Office

Burnett Plaza, Suite 1900
801 Cherry Street, Unit #18
Fort Worth, TX 76102-6882
Telephone: (817) 900-2601
Facsimile: (917) 978-4927
reinschj@sec.gov

COUNSEL FOR RECEIVER:

THOMPSON & KNIGHT LLP One Arts Plaza
1722 Routh Street, Suite 1500 Dallas, Texas 75201
Telephone: (214) 969-1700
Facsimile: (214) 969-1751
Timothy E. Hudson - Tim.Hudson@tklaw.com
Mackenzie S. Wallace - Mackenzie.Wallace@tklaw.com
Mackenzie M. Salenger - Mackenzie.Salenger@tklaw.com

EXHIBIT A

From: Sonny B <sonny_103@hotmail.com>
Sent: Friday, **April 12, 2019** 8:57 AM
To: Hudson, Timothy E. <Tim.Hudson@tklaw.com>

Subject: Re: SEC v. Thurman P. Bryant, III, et al., Civil Action No. 4:17-cv-00336-ALM

Dear all,

The two watches listed in the Receiver's Motion for Return of Receivership Property is seized personal property of mine and my wife.

The two watches were located in the guest bedroom where we were staying during our visit at the time of the seizure.

I am respectfully asking that the watches be released back to us.

The watches were retirement gifts presented at our retirement ceremonies. If needed, I can obtain affidavits from people that attended the ceremonies and witnessed the presentations.

Thank you,

Thurman "Sonny" Bryant
(936) 245-2322

On **Apr 12, 2019**, at 11:05 AM, Hudson, Timothy E. <Tim.Hudson@tklaw.com> wrote:

Mr. Bryant:

Thanks for the email. Can you please pull together documents that would confirm proof of ownership and send to me? I'm happy to further discuss this request with you after we have had a chance to review the documentation.

We do not have the watches in our possession – this will not take place until Judge Mazzant grants our request. I will represent to you that we will not proceed with liquidation of the watches until we have had a chance to review the documents and discuss your request for return of this property.

Feel free to call me anytime – 214-969-1540.

Thanks,

Tim

On **Apr 15, 2019**, at 9:27 AM, Sonny B <sonny_103@hotmail.com> wrote:

Tim,

Thank you. I am in the process of gathering affidavits and any other evidence to confirm ownership. This might take me awhile as some of the folks are scattered across several states.

Thanks,

Sonny

Thurman "Sonny" Bryant Jr.
PO Box 1472, Hilltop Lakes, TX 77871
(936) 245-2322

From: Sonny B <sonny_103@hotmail.com>
Sent: Monday, **April 15, 2019** 12:41 PM
To: Hudson, Timothy E. <Tim.Hudson@tklaw.com>
Cc: reinschj@sec.gov; Banowsky, William L. <Bill.Banowsky@tklaw.com>; Wallace, Mackenzie <Mackenzie.Wallace@tklaw.com>; Sanchez, Ed <Ed.Sanchez@tklaw.com>; Salenger, Mackenzie <Mackenzie.Salenger@tklaw.com>
Subject: Re: SEC v. Thurman P. Bryant, III, et al., Civil Action No. 4:17-cv-00336-ALM

Tim,

I am providing the attached Declaration in hopes of satisfying the Receiver's need of confirming ownership. My hope is not have to go through the embarrassment of involving past colleagues, family and close friends by explaining the situation and asking for their time and effort to provide affidavits.

Thanks,
Sonny

On **Apr 15, 2019**, at 8:01 PM, Hudson, Timothy E. <Tim.Hudson@tklaw.com> wrote:
Mr. Bryant:

Thanks for sending this information. I will speak to the Receiver and get back to you.

Thanks,

Tim

Tim Hudson | Thompson & Knight LLP

From: Sonny B <sonny_103@hotmail.com>
Sent: Monday, September 9, 2019 1:36 PM
To: Hudson, Timothy E. <Tim.Hudson@tklaw.com>
Cc: reinschj@sec.gov; Banowsky, William L. <Bill.Banowsky@tklaw.com>; Wallace, Mackenzie <Mackenzie.Wallace@tklaw.com>; Sanchez, Ed <Ed.Sanchez@tklaw.com>; Salenger, Mackenzie <Mackenzie.Salenger@tklaw.com>
Subject: Re: SEC v. Thurman P. Bryant, III, et al., Civil Action No. 4:17-cv-00336-ALM

Hello Tim,

Just following up ... can Judy and I have our retirement watches back?

Thank you,

Thurman "Sonny" Bryant, Jr
936.245-2322

From: Hudson, Timothy E. <Tim.Hudson@tklaw.com>
Sent: Tuesday, **September 10, 2019** 1:37 PM
To: Sonny B <sonny_103@hotmail.com>
Cc: reinschj@sec.gov <reinschj@sec.gov>; Banowsky, William L. <Bill.Banowsky@tklaw.com>; Wallace, Mackenzie <Mackenzie.Wallace@tklaw.com>; Sanchez, Ed <Ed.Sanchez@tklaw.com>; Salenger, Mackenzie <Mackenzie.Salenger@tklaw.com>
Subject: RE: SEC v. Thurman P. Bryant, III, et al., Civil Action No. 4:17-cv-00336-ALM

Mr. Bryant:

Thanks for the email.

Do you know who paid for the watches? Feel free to call me if you wish to further discuss.

Thanks,

Tim

From: Sonny B <sonny_103@hotmail.com>
Sent: Saturday, **November 2, 2019** 4:31 PM
To: Hudson, Timothy E. <Tim.Hudson@tklaw.com>
Cc: Reinsch, Jason <reinschj@SEC.GOV>
Subject: Re: SEC v. Thurman P. Bryant, III, et al., Civil Action No. 4:17-cv-00336-ALM

Mr. Hudson,

Today, I wire transferred the final monthly amount satisfying our agreed upon settlement in the referenced action.

I am still waiting for the return of our personal property. Specifically the two watches belonging to my wife and me.

Would you please tell me when the property will be released back to us?

Regards,

Thurman "Sonny" Bryant
936 245-2322

From: Hudson, Timothy E. <Tim.Hudson@tklaw.com>
Sent: Sunday, **November 10, 2019** 12:41 PM
To: Sonny B <sonny_103@hotmail.com>
Cc: Reinsch, Jason <reinschj@SEC.GOV>; Salenger, Mackenzie <Mackenzie.Salenger@tklaw.com>
Subject: RE: SEC v. Thurman P. Bryant, III, et al., Civil Action No. 4:17-cv-00336-ALM

Sonny – can you call me this week to discuss? My direct dial is 214-969-1540.

Thanks,

Tim

From: Hudson, Timothy E. <Tim.Hudson@tklaw.com>
Sent: Sunday, **November 10, 2019** 12:41 PM
To: Sonny B <sonny_103@hotmail.com>
Cc: Reinsch, Jason <reinschj@SEC.GOV>; Salenger, Mackenzie <Mackenzie.Salenger@tklaw.com>
Subject: RE: SEC v. Thurman P. Bryant, III, et al., Civil Action No. 4:17-cv-00336-ALM

Sonny – can you call me this week to discuss? My direct dial is 214-969-1540.

Thanks,

Tim

From: Sonny B <sonny_103@hotmail.com>
Sent: Thursday, **November 14, 2019** 12:17 PM
To: Hudson, Timothy E. <Tim.Hudson@tklaw.com>
Subject: Re: SEC v. Thurman P. Bryant, III, et al., Civil Action No. 4:17-cv-00336-ALM

Tim,

I will call you around 3pm today.

Thanks,

Sonny

On **Jan 15, 2020**, at 8:35 PM, Hudson, Timothy E. <Tim.Hudson@tklaw.com> wrote:

Sonny – can you call me this week to talk about the watches?

From: Sonny B <sonny_103@hotmail.com>
Sent: Wednesday, **January 15, 2020** 8:48 PM
To: Hudson, Timothy E. <Tim.Hudson@tklaw.com>
Subject: Re: SEC v. Thurman P. Bryant, III, et al., Civil Action No. 4:17-cv-00336-ALM

Hi Tim... I have no interest in talking any more on phone. All I need to know, in writing, is if the receiver is returning my wife's and my personal property so I know if I need to petition the court.

Thank you...

From: Hudson, Timothy E.
Sent: Wednesday, **January 15, 2020** 8:55 PM
To: 'Sonny B' <sonny_103@hotmail.com>
Cc: Salenger, Mackenzie <Mackenzie.Salenger@tklaw.com>
Subject: RE: SEC v. Thurman P. Bryant, III, et al., Civil Action No. 4:17-cv-00336-ALM

Sonny:

When we last spoke you were going to get back to me and let me know if you could make some type of monetary offer for the watches. I indicated the Receiver would be willing to work with you. I have spoken to Ms. Ecklund again on this subject matter and I'm happy to relay to you the results of that conversation and how that might factor into your decision.

If you are unwilling to have that conversation and would rather petition Judge Mazzant I certainly understand. As I mentioned to you previously over the phone, the challenge we have is that the watches were purchased by Trey.

I just wanted you to know that we are open to continuing our conversation. I'm trying to do my best to help you here. Let me know if you want to talk.

Thanks,

Tim
Tim Hudson | ThompsonKnight

From: Hudson, Timothy E. <Tim.Hudson@tklaw.com>
Sent: Wednesday, **February 5, 2020** 1:41 PM
To: Sonny B <sonny_103@hotmail.com>
Cc: Salenger, Mackenzie <Mackenzie.Salenger@tklaw.com>
Subject: RE: SEC v. Thurman P. Bryant, III, et al., Civil Action No. 4:17-cv-00336-ALM

Sonny:

I wanted to reach out one last time to see if you want to discuss a framework for the sale of the Rolex watches. As I mentioned below, the Receiver is willing to work with you and I have communicated to her about the meaning of the watches to you.

If I don't hear from you by this Friday, we will proceed with contacting other potential purchasers.

Thanks,

Tim
Tim Hudson | ThompsonKnight

From: Sonny B <sonny_103@hotmail.com>
Sent: Thursday, **February 6, 2020** 8:29 AM
To: Hudson, Timothy E. <Tim.Hudson@tklaw.com>
Cc: Salenger, Mackenzie <Mackenzie.Salenger@tklaw.com>
Subject: Re: SEC v. Thurman P. Bryant, III, et al., Civil Action No. 4:17-cv-00336-ALM

Tim:

Thank you for reaching out and staying in communication regarding the return of our watches.

It was our bad luck we had spent the night and that Judy and I was not wearing our watches the morning the FBI and Receiver entered Trey's home. The FBI entered the guest bedroom and removed our watches from the nightstand.

I do appreciate the receiver's willingness and I am willing to hear the specifics of what she is willing to accept so that we can get our property returned to us.

The watches are very important to us and not because of their monetary value.

I would prefer keeping everything in writing.

I look forward to reading the offer.

From: Sonny B <sonny_103@hotmail.com>
Sent: Thursday, **February 6, 2020** 9:52 AM
To: Hudson, Timothy E. <Tim.Hudson@tklaw.com>
Cc: Salenger, Mackenzie <Mackenzie.Salenger@tklaw.com>
Subject: Re: SEC v. Thurman P. Bryant, III, et al., Civil Action No. 4:17-cv-00336-ALM

Tim:

I would be able to offer \$1,000 to get our watches back.

Thank you,
Sonny

Hudson, Timothy E. <Tim.Hudson@tklaw.com>
Mon 2/24/2020 8:11 PM

Sonny:

I've communicated your offer to the Receiver.

In the essence of being candid with you, she has received an offer of \$12,000 for both watches.

How much higher can you come up from the \$1,000 number?

Thanks,

Tim

Sonny B
Tue 2/25/2020 5:51 AM
Hudson, Timothy E.

Tim:

Unfortunately, \$1,000 is the most I can offer.

I am working a full time job through the week and two part time jobs on the weekends just to meet financial responsibilities of taking care of my 90 year old mother in late stage Alzheimer's.

I will exercise my last option and file a motion with the court next week.

Thank you for your assistance in trying to resolve this for me.

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ENTERTAINMENT d/b/a/ MR. TOP §
AGENT ENTERTAINMENT, §

Defendants. §
§

**ORDER GRANTING MOTION FOR RETURN OF PERSONAL
PROPERTY**

On this date, the Court considered the Receiver’s Motion for Return of Personal Property (the “Motion”). 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 Personal Property listed below shall be returned to the Movant:

- Ladies Rolex Datejust Two Tone Model No. 178273; and
- Man's Rolex Datejust Two Tone Model No. 116333, Serial No. G548227

IT IS SO ORDERED.

