

Bryant, Jr.'s Motion for Return of Personal Property [Dkt. No. 363] (the “**Response**”), and in support thereof, respectfully shows the Court 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]. The Receiver herein incorporates by reference the Search Warrant Motion, as if set out fully herein. In the Search Warrant Motion, the Receiver explained that prior to taking possession of Trey 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**”). As part of that warrant, the FBI seized, among other things, the following Receivership Property (the “**Rolex Watches**”):

- a. Ladies Rolex Datejust Two Tone Model No. 178273, Serial No. G481454; and
- b. Man’s Rolex Datejust Two Tone Model No. 116333, Serial No. G548227.

It was and continues to be the Receiver’s position that the items seized by the FBI constitute property within the Receivership Estate.

2. On April 11, 2019, the Receiver filed her Motion for Return of Receivership Property [Dkt. No. 315] (the “**Receivership Property Motion**”), which this Court granted on May 3, 2019 [Dkt. No. 318]. The Receiver herein incorporates by reference the Receivership Property Motion, as if set out fully herein. In the Receivership Property Motion, the Receiver explained that the Rolex Watches seized by the FBI constitute property within the Receivership Estate, and thus the Receiver requested that the Court enter an order returning the Rolex Watches to the Receiver for liquidation.

3. Since at least April 2019, the Receiver has been in contact with Thurman P. Bryant, Jr. (“**Sonny Bryant**”) regarding the Rolex Watches. The Receiver acknowledges Sonny Bryant’s emotional tie to the Rolex Watches. The Receiver does not dispute that the Rolex Watches were given to Sonny Bryant and his wife in connection with his retirement. The Receiver also acknowledges for the benefit of the Court that Sonny Bryant previously provided to the Receiver his declaration referenced in his motion, which restates the circumstances of the FBI’s seizure of the Rolex Watches. The Receiver’s focus is on the source of the funds used to purchase the Rolex Watches. Based on the information available to the Receiver to date, the Receiver has a good faith belief that the Rolex Watches were purchased by Trey Bryant using funds from the BUCF bank account. The Receiver first learned of Sonny Bryant’s alleged \$2,700.00 contribution to the purchase of the Rolex Watches upon the filing of his motion

4. The Receiver has email correspondence from August 2012 between Trey Bryant and GoldWatchCo.Com (the company from which Trey Bryant purchased the Rolex Watches), in which Trey Bryant and Dennis, an employee of GoldWatchCo.Com, discuss the order for these Rolex Watches.¹ This email correspondence is attached hereto as **Exhibit A**. This email correspondence is supportive of the Receiver’s good faith belief that Trey Bryant purchased the Rolex Watches as a gift for his father and mother.

5. The Receiver is also doing her best to be mindful of the costs to the Receivership Estate in connection with the liquidation of the Rolex Watches. The Receiver has secured an offer of \$12,000.00 from GoldWatchCo.Com for the Rolex Watches. This is the same entity that presumably sold the Rolex Watches to Trey Bryant. The existence of this offer was previously

¹ Upon information and belief, Dennis at GoldWatchCo.Com does not have any existing records to demonstrate that the Rolex Watches were, in fact, purchased by Trey Bryant. However, Dennis at GoldWatchCo.Com is uniquely familiar with the underlying purchase of these Rolex Watches, and the Receiver would be happy to obtain supporting documentation or an affidavit, if the Court prefers.

communicated to Sonny Bryant by the Receiver's counsel. The Receiver's counsel has done their very best to be candid and open with Sonny Bryant regarding the potential sale of the Rolex Watches given his historical and emotional ties to these items.

6. The Receiver is currently in possession of the Rolex Watches and requests approval to proceed with liquidating this Receivership Property in accordance with this Court's Order [Dkt. No. 318].

7. 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.

8. 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.

9. Pursuant to the powers vested in the Receiver in the Receivership Order, the Receiver respectfully requests that this Court deny Sonny Bryant's Motion for Return of Personal Property and enter an order granting the Receiver the right to liquidate these valuable Rolex Watches for the benefit of the aggrieved investors.

10. Alternatively, the Receiver is willing to conduct a telephone conference with the Court and Sonny Bryant for the purpose of attempting to find a solution to this dispute that is beneficial to all parties involved.

11. 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: March 20, 2020.

Respectfully submitted,

THOMPSON & KNIGHT LLP

By: /s/ Timothy E. Hudson

Timothy E. Hudson
State Bar No. 24046120
Tim.Hudson@tklaw.com

Mackenzie S. Wallace
State Bar No. 24079535
Mackenzie.Wallace@tklaw.com

Mackenzie M. Salenger
State Bar No. 24102451
Mackenzie.Salenger@tklaw.com

THOMPSON & KNIGHT LLP
One Arts Plaza
1722 Routh Street, Suite 1500
Dallas, Texas 75201
Telephone: (214) 969-1700
Facsimile: (214) 969-1751

COUNSEL TO RECEIVER

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2020, 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:

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

PRO SE

By Electronic Mail and by Certified Mail, Return Receipt Requested at both known addresses:

Thurman P. Bryant, III
Treybryant03@gmail.com

1535 Sun Mountain, San Antonio, TX 78258

2054 Hidalgo Lane, Frisco, TX 75034

Via Certified Mail, Return Receipt Requested:

James Ardoin
JIMMY ARDOIN & ASSOCIATES, PLLC
4900 Fournace Place, Suite 550
Houston, Texas 77401
Phone: (713) 574-8900

COUNSEL FOR WAMMEL DEFENDANTS

PRO SE

By Electronic Mail and by Certified Mail, Return Receipt Requested:

Thurman P. Bryant, Jr.

sonny_103@hotmail.com

2 Dogwood Lane, Hilltop Lakes, TX 77871

Via Electronic Mail:

Mark L. Hill

Anna S. Brooks

SCHEEF & STONE, L.L.P.

2600 Network Blvd., Suite 400

Frisco, Texas 75034

Phone: (214) 472-2100

Fax: (214) 472-2150

Mark.Hill@solidcounsel.com

Anna.Brooks@solidcounsel.com

COUNSEL FOR CARLOS GOODSPEED

EXHIBIT A

From: [Dennis Gold](#)
To: tbryant@bryantunited.com
Subject: RE: 2 Rolex Watch Purchase..
Date: Wednesday, August 8, 2012 12:22:29 PM

Just off the phone with the dealer. Can you call me?

From: T.P Bryant, CEO [mailto:tbryant@bryantunited.com]
Sent: Wednesday, August 08, 2012 1:18 PM
To: 'Dennis Gold'
Subject: FW: 2 Rolex Watch Purchase..

Dennis- See below for order conformation.... Thanks, Trey

From: Dennis Gold [mailto:dennis@goldwatchco.com]
Sent: Friday, July 27, 2012 12:10 PM
To: tbryant@bryantunited.com
Subject: 2 Rolex Watch Purchase..

Trey,

This email is to confirm the purchase for a:

Rolex Datejust II 41mm model 116333 with a champagne stick dial. The watch is NIB which means New In Box and comes with Everything.

Rolex 31mm Midsize model 178273 Oyster Band Fluted Bezel, Champagne Stick Dial. NIB

Total price is 17,500.00 delivered.

Attached are the pictures of the watches.

Thank you
Dennis
www.GoldWatchCo.com

From: [T.P Bryant, CEO](#)
To: ["Dennis Gold"](#)
Subject: 1Ct Bezel
Date: Thursday, August 16, 2012 2:14:00 PM

Dennis;

What would be the cost of 1ct bezel for my Step mothers midsize watch...?

Trey

281.299.5311

**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. §

**ORDER DENYING THURMAN P. BRYANT, JR.’S
MOTION FOR RETURN OF PERSONAL PROPERTY**

On this date, the Court considered the *Receiver’s Response to Thurman P. Bryant, Jr.’s Motion for Return of Personal Property* [Dkt. No. 363] (the “**Response**”).¹ The Court, having considered the Response, finds that Thurman P. Bryant, Jr.’s Motion for Return of Personal Property is **DENIED**.

IT IS FURTHER ORDERED that the Receiver is authorized to (i) liquidate the Rolex Watches, (ii) engage any auctioneers and/or liquidators that the Receiver deems necessary to

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

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.