

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL J. QUILLING, Receiver for
SARDAUKAR HOLDINGS, IBC and
BRADLEY C. STARK,

Plaintiff,

v.

3D MARKETING LLC,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 3:06-CV-0293-L (BD)

ECF

Referred to U.S. Magistrate Judge

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE JEFF A. KAPLAN, UNITED STATES MAGISTRATE JUDGE:

COMES NOW, Michael J. Quilling, as Receiver for Sardaukar Holdings IBC and Bradley C. Stark, (“Plaintiff” or “Receiver”) and files this his Motion for Summary Judgment against Defendant 3D Marketing LLC in accordance with Fed. R. Civ. P. 56, Local Rule 56.3, and this Court’s Standing Order of Reference [Dkt. No. 9]. In support of this motion, the Receiver has contemporaneously filed a separate brief under Local Rule 56.5 and would respectfully show the Court as follows:

**I.
SUMMARY**

The Receiver seeks summary judgment against 3D Marketing LLC (“Defendant”) on his claims for fraudulent transfer and constructive trust and disgorgement. The Receiver has attached a supporting brief under Local Rule 56.3(b) that sets out the elements of each claim, the legal and factual bases for relief, and all citations to evidence in the appendix.

**II.
SUMMARY JUDGMENT EVIDENCE**

This Motion for Summary Judgment is based upon the evidence listed below:

1. Declaration of Michael J. Quilling, Receiver, Exhibit "A"
2. Summary of Sardaukar's JPMorgan Account, Exhibit "A-1"
3. 3D Marketing Cashier's Check, Exhibit "B"
4. Brad Stark's Bank of America Account Statement, Exhibit "C"
5. 3D Marketing Check, Exhibit "D"
6. Sardaukar's Bank of America Account Statement, Exhibit "E"
7. Stock Certificate, Exhibit "F"
8. Sardaukar Wire Transfer, Exhibit "G"
9. Sardaukar Wire Transfer, Exhibit "H"
10. 3D Marketing Daily Account Report, Exhibit "I"
11. 3D Marketing Daily Account Report, Exhibit "J"
12. E-mail from Dean Steeves, Jan. 12, 2006, Exhibit "K"

Plaintiff also requests that this Court take judicial notice of the pleadings and other documents contained in the Court's file for this proceeding, *Securities and Exchange Commission v. Megafund et al.*, Cause No. 3:05-CV-1328 (N.D. Tex.), and *Quilling v. Tschebaum, et al.*, Civil Action No. 3:05-CV-1465 (N.D. Tex.).

**III.
REQUESTED RELIEF**

Under Rule 56 of the Federal Rules of Civil Procedure, the Receiver respectfully requests that this Court enter judgment in his favor and against the Defendant because the undisputed material

CERTIFICATE OF SERVICE

On the 17th day of November, 2006 a true and correct copy of the above and foregoing was sent via first class mail, with full and proper postage prepaid thereon, to:

Stephen C. Schoettmer
Thompson & Knight LLP
1700 Pacific Avenue, Suite 3300
Dallas, Texas 75201

/s/ Brent J. Rodine