

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,	§	CIVIL ACTION NO. 3:05-CV-1975-P
	§	ECF
Plaintiff,	§	
	§	
v.	§	
	§	(JURY TRIAL DEMANDED)
ROBERT FRANKLIN and GERALDINE	§	
FRANKLIN,	§	
	§	
Defendants.	§	

NOTICE OF DISMISSAL

TO THE HONORABLE JORGE A. SOLIS, UNITED STATES DISTRICT JUDGE:

COMES NOW, Michael J. Quilling, in his capacity as Receiver for Sardaukar Holdings, IBC and Bradley C. Stark (“Receiver”) and, pursuant to FED. R. CIV. P. 41(a)(1)(i), files this Notice of Dismissal, and in support of such would respectfully show unto the Court the following:

1. Michael J. Quilling (the “Receiver”) is the Receiver appointed for Sardaukar Holdings, IBC and Bradley C. Stark pending before the United States District Court for the Northern District of Texas, Dallas, Division, the Honorable Sam A. Lindsay presiding.¹

2. The Receiver filed the instant lawsuit (the “Lawsuit”) against Defendants Robert and Geraldine Franklin (the “Franklins”), residents of the state of Florida, on October 5, 2005. In this Lawsuit, the Receiver has alleged that the Franklins had improperly received \$50,000.00 in cash from Bradley C. Stark, by and through Sardaukar Holdings, IBC, the operator of an illegal *Ponzi*

¹ *Securities and Exchange Commission v. Megafund Corporation, Stanley A. Leitner, Sardaukar Holdings, IBC, Bradley C. Stark, CIG, Ltd. and James A. Rumpf, Individually and d/b/a Cilak International (and Pamela C. Stark, Relief Defendant)*; Cause No. 3:05-CV-1328-L.

scheme. The Receiver further alleged that the \$50,000.00 constituted Receivership Assets and that the Franklins had given no consideration for the funds received. The Receiver has alleged causes of action against the Franklins for imposition of a constructive trust over and disgorgement of the \$50,000.00 and for fraudulent transfer, and has further sued for recovery of the Receiver's fees, expenses, costs and interest in connection with the Lawsuit.

3. The Franklins were properly served with their summonses in this Lawsuit on October 18, 2005. To date, the Franklins have filed neither their answers nor a motion for summary judgment herein and have not otherwise appeared.

4. Having received the full amount of \$50,000.00 from the Franklins as a final settlement with respect to all matters at issue in the Lawsuit, the Receiver now wishes to voluntarily dismiss, with prejudice, this Lawsuit and all of his claims therein against the Franklins.

WHEREFORE, PREMISES CONSIDERED, the Receiver hereby notifies the Court of his desire to dismiss with prejudice this Lawsuit and all of his claims herein against the Franklins and the funds made the basis of his claims, and requests that the Court sign an appropriate Order of Dismissal.

Respectfully submitted,

QUILLING SELANDER CUMMISKEY & LOWNDS, P.C.
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By: /s/ Michael D. Clark

Michael J. Quilling
State Bar No. 16432300
Michael D. Clark
State Bar No. 00798108

ATTORNEYS FOR RECEIVER

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November, 2005, a true and correct copy of the foregoing Notice of Dismissal was served, via United States first class mail, postage pre-paid, on the following:

Mr. Joseph P. Mawhinney
Ms. Natasha Rieger
CLARK, CAMPBELL & MAWHINNEY, P.A.
500 South Florida Avenue, Suite 800
Lakeland, Florida 33801

Attorneys for Defendants

/s/ Michael D. Clark