

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,	§	Civil Action No. 3:06-CV-1435-N
	§	
v.	§	ECF
	§	
GLENN M. STARK,	§	
	§	
Defendant.	§	
	§	

REPORT OF STATUS AND SCHEDULING CONFERENCE

Plaintiff Michael J. Quilling, Receiver for Sardaukar Holdings and Bradley C. Stark, (“Plaintiff” or “Receiver”) submits this Report of Status and Scheduling Conference in accordance with the Court’s Order Requiring Status and Scheduling Conference [Dkt. No. 16] and Rule 26(f) of the Federal Rules of Civil Procedure:

A. Brief Statement of the Case and Contentions

The Receiver filed this lawsuit to recover \$87,280.00 that was fraudulently transferred to Defendant out of a *Ponzi* scheme operated by Defendant’s brother. Defendant admits receiving those funds but denies that jurisdiction and venue are proper in this case.

On October 3, 2006, this Court issued its Order Requiring Status and Scheduling Conference [Dkt. No. 6]. Since that time, the Receiver has made numerous attempts to contact the Defendant at the telephone number and address listed in his Answer [Dkt. No. 5]. *See Letter to Defendant*, October 11, 2006, Exhibit “A”. The Receiver’s efforts, however, have gone unanswered.

B. Status of Settlement Discussions

The Receiver has attempted to contact Defendant about settling this case but Defendant has not responded.

C. Joinder of Parties

At this time, the Receiver does not believe that additional parties will be joined in this lawsuit.

D. Anticipated Challenges to Jurisdiction or Venue

The following statements in Defendant's Answer suggest that he may challenge the jurisdiction and/or venue of this lawsuit:

Answering Paragraph 3 Defendant denies that this case involves Receivership Assets and alleges that this court does not have subject matter jurisdiction or in person am [sic] jurisdiction over Defendant.

* * *

Answering Paragraph 4 Defendant alleges that this court has neither subject matter jurisdiction nor in person am [sic] jurisdiction over Defendant and therefore the issue of venue is moot.

Answer [Dkt. No. 5] at ¶¶ 2-3.

E. Anticipated Date and Length of Trial

The Receiver is currently ready for trial and believes any trial would last less than one day.

F. Alternative Dispute Resolution

While the Receiver may engage Defendant in settlement negotiations, the Receiver does not wish to expend Receivership Estate assets pursuing other methods of Alternative Dispute Resolution.

G. Disclosures Under Rule 26(a)(1)

The Receiver anticipates exchanging initial disclosures with Defendant under Rule 26(a)(1) and does not believe that any specific restrictions or limitations on those disclosures will be necessary.

H. Consent to Proceed Before Magistrate Judge

The Receiver consents to having a Magistrate Judge manage this case and rule on its final disposition.

I. Discovery Matters

Defendant has already served his first set of discovery requests upon the Receiver. The Receiver submits that these discovery requests are premature because (1) this Court has not yet issued its scheduling order relating to discovery and (2) the parties have not yet exchanged their initial disclosures under Rule 26(a)(1). The Receiver is still attempting to contact Defendant and resolve this matter by agreement.

DATED this 17th day of October, 2006.

Respectfully submitted,

QUILLING SELANDER CUMMISKEY & LOWNDS, P.C.
2001 Bryan Street, Suite 1800
Dallas, Texas 75201-4240
(214) 871-2100 (Telephone)
(214) 871-2111 (Facsimile)

By: /s/ Brent J. Rodine
Michael J. Quilling
Texas State Bar No. 16432300
Brent J. Rodine
Texas State Bar No. 24048770

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2006 a true and correct copy of the above and foregoing was sent by first class mail, postage prepaid, to:

Glenn M. Stark
1271 Calle Candelerio
Chula Vista, California 91910-6811

/s/ Brent J. Rodine

Brent J. Rodine

Exhibit “A”

Brent J. Rodine
Phone: (214) 871-2100



E-mail: brodine@qsclpc.com

October 11, 2006

Glenn M. Stark
1271 Calle Candellero
Chula Vista, CA 91910-6811

Re: *Michael J. Quilling v. Glenn M. Stark*, Civil Action No. 3:06-1435-N (N.D. Tex.)

Dear Mr. Stark:

Attached is a copy of the Order Requiring Status and Scheduling Conference in the above-styled case. Please note that this Order requires us to confer about the status of this case and then submit a joint report to the Court by Tuesday, October 17, 2006.

I have been unable to reach you at the phone number provided to the Court in your Answer and have now left two messages for you. Please call me back at your earliest convenience.

Very truly yours,

Brent J. Rodine
Attorney for Receiver

BJR/tlp

Enclosures (1)