



CLOSED, ECF, JURY, KAPLAN, PTRL

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:06-cv-00299**

Quilling v. Humphries
Assigned to: Judge Sam A Lindsay
Referred to: Magistrate Judge Jeff Kaplan
Related Case: 3:05-CV-1328
Cause: 28:1332 Diversity - Legal Malpractice

Date Filed: 02/16/2006
Date Terminated: 05/30/2007
Jury Demand: Both
Nature of Suit: 370 Fraud or Truth-In-Lending
Jurisdiction: Diversity

Plaintiff

Michael J Quilling
*Receiver for Megafund Corporation and
Lancorp Financial Group LLC*

represented by **James H Moody, III**
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Lownds
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V.

Defendant**Kenneth Wayne Humphries**

represented by **Kenneth Wayne Humphries**
 PO Box 74
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 Hopkinsville, KY 42241-0074
 270/886-5649
 Email: attylaw@bellsouth.net
 PRO SE

Counter Claimant**Kenneth Wayne Humphries**

represented by **Kenneth Wayne Humphries**
 (See above for address)
 PRO SE

V.

Counter Defendant**Michael J Quilling**

*Receiver for Megafund Corporation and
 Lancorp Financial Group LLC*

Date Filed	#	Docket Text
02/16/2006	<u>1</u>	COMPLAINT against Kenneth Wayne Humphries filed by Michael J Quilling. (Filing fee \$250; Receipt number 227995)(klm,) (Entered: 02/17/2006)
02/16/2006		***Magistrate Judge Ramirez chosen by random selection to handle matters that may be referred in this case. (klm,) (Entered: 02/17/2006)
02/16/2006		DEMAND for Trial by Jury by Michael J Quilling. (see image 1) (klm,) (Entered: 02/17/2006)

02/16/2006	2	CERTIFICATE OF INTERESTED PERSONS by Michael J Quilling. (klm,) (Entered: 02/17/2006)
02/16/2006	3	Summons Issued as to Kenneth Wayne Humphries. (klm,) (Entered: 02/17/2006)
02/17/2006	4	Summons Issued as to Kenneth Wayne Humphries. (klm,) (Entered: 02/17/2006)
02/23/2006	5	***VACATED PER ORDER OF 4/26/06***SCHEDULING ORDER. Docket call set for the four-week docket beginning 7/2006. Discovery due by 5/11/2006. Pretrial Conference set for 7/7/2006 10:00 AM before Judge Jerry Buchmeyer. Pretrial Materials due by 6/16/2006. See order for specifics. (Signed by Judge Jerry Buchmeyer on 2/23/06) (nap,) Modified on 4/26/2006 (klm,). (Entered: 02/23/2006)
02/24/2006	6	ORDER REGARDING JUDGE BUCHMEYER'S SCHEDULING ORDER: Pursuant to the District Court's Scheduling Order, filed February 23, 2006, all pleading and discovery disputes and other non-dispositive motions are automatically referred to the undersigned U.S. Magistrate Judge for disposition. This order controls all such automatic referrals in this case. (see order for specifics) (Signed by Judge Irma C Ramirez on 2/24/06) (klm,) (Entered: 02/27/2006)
03/13/2006	7	SUMMONS Returned Executed as to Kenneth Wayne Humphries served personally on 3/3/2006, answer due 3/23/2006. (klm,) (Entered: 03/14/2006)
03/24/2006	8	JOINT STATUS REPORT by Michael J Quilling, Kenneth Wayne Humphries. (klm,) (Entered: 03/24/2006)
03/28/2006	9	ANSWER to Complaint with Jury Demand by Kenneth Wayne Humphries (klm,) (Entered: 03/28/2006)
03/28/2006		COUNTERCLAIM against Michael J Quilling filed by Kenneth Wayne Humphries(klm,) (Entered: 04/13/2006)
04/12/2006	10	ANSWER to Counterclaim by Michael J Quilling(klm,) (Entered: 04/13/2006)
04/12/2006	11	Designation of Experts by Michael J Quilling. (klm,) (Entered: 04/13/2006)
04/13/2006	12	Amended Designation of Experts by Michael J Quilling. (klm,) (Entered: 04/14/2006)

04/14/2006	13	Order Designating Case for ECF - see order for specifics. (Signed by Judge Jerry Buchmeyer on 4/14/06) (klm,) (Entered: 04/14/2006)
04/14/2006	14	STANDING ORDER FOR ELECTRONIC FILINGS RELATED TO MATTERS REFERRED TO THE UNITED STATES MAGISTRATE JUDGE (klm,) (Entered: 04/14/2006)
04/26/2006	15	ORDER REASSIGNING CASE. Case reassigned to Judge Sam A Lindsay for all further proceedings for possible consolidation with SEC v. Megafund Corporation et al., Civil Action No. 3:05-cv-1328-L. All future pleadings shall be filed under Civil Action No. 3:06-CV-299-L. Judge Jerry Buchmeyer no longer assigned to case. (Signed by Judge Jerry Buchmeyer on 4/26/06) (klm,) (Entered: 04/26/2006)
04/28/2006	16	ORDER Designating Case for Enrollment in the Electronic Case Files "ECF" System. This case will continue as a designated case for electronic filing. See order for specifics. (Signed by Judge Sam A Lindsay on 4/28/06) (jrb,) (Entered: 04/28/2006)
05/18/2006		***Magistrate Judge Kaplan chosen by random selection to handle matters that may be referred in this case. (jrb,) (Entered: 05/18/2006)
05/18/2006	17	Standing Order of Reference : This case is hereby referred to Magistrate Judge Jeff Kaplan for pretrial management. (Signed by Judge Sam A Lindsay on 5/18/06) (jrb,) (Entered: 05/18/2006)
05/22/2006	18	Standing ORDER on Non-Dispositive Motions: The following order shall govern the filing and disposition of all discovery-related motions, pleading disputes, and other non-dispositive motions in this case. (See Order for specifics) (Signed by Judge Jeff Kaplan on 5/22/2006) (skt,) (Entered: 05/22/2006)
05/22/2006	19	ORDER Setting Status Conference: Status Conference set for 6/2/2006 09:00 AM before Magistrate Judge Jeff Kaplan.(See Order for specifics) (Signed by Judge Jeff Kaplan on 5/22/2006) (skt,) (Entered: 05/22/2006)
06/02/2006	20	ORDER. Plaintiff and defendant shall submit settlement papers, including a proposed agreed judgment or an agreed order of dismissal, or plaintiff shall file a mtn for sumjgm by 7/7/06. (Signed by Judge Jeff Kaplan on 6/2/06) (jrb,) (Entered: 06/02/2006)
07/07/2006	21	MOTION for Summary Judgment by Michael J Quilling with Brief in Support. (Attachments: # 1 Brief In Support# 2 Appendix)(Quilling, Michael) (Entered: 07/07/2006)

07/10/2006	22	ORDER. Set/Reset Deadlines as to 21 Motion for Summary Judgment. Responses due by 8/7/2006 Replies due by 8/22/2006. (Signed by Judge Jeff Kaplan on 7/10/06) (jrb,) (Entered: 07/10/2006)
08/14/2006	23	FINDINGS AND RECOMMENDATIONS of the United States Magistrate Judge re 21 MOTION for Summary Judgment filed by Michael J Quilling. The court recommends that the motion be granted. Objections to F&R due by 8/28/2006 (Signed by Judge Jeff Kaplan on 8/14/06) (jrb,) (Entered: 08/14/2006)
08/28/2006	24	***UNFILED PER ORDER FILED 8/28/06-COPY TO DEFENDANT***MOTION for Extension of Time to File Response as to 21 MOTION for Partial Summary Judgment and MOTION to Hold the Findings and Recommendation of the US Magistrate Judge in Abeyance, and MOTION for Extension of Time to File Exceptions to the Findings and Recommendations by Kenneth Wayne Humphries (jyg,) Modified on 8/29/2006 (jyg,). (Entered: 08/28/2006)
08/28/2006	25	Order Unfiling 24 MOTION for Extension of Time to File Response as to 21 MOTION for Summary Judgment, 23 Findings and Recommendations, MOTION to Hold the Findings and Recommendation of the US Magistrate Judge in Abeyance and MOTION for Extension of Time to File Exceptions to the Findings and Recommendations filed by Kenneth Wayne Humphries, due to the following deficiency: The motion must include certificate of conference and brief in support, LR 7.1(b). (Signed by Judge Jeff Kaplan on August 28, 2006) (jyg,) (Entered: 08/29/2006)
09/07/2006	26	MOTION for Extension of Time to File Response as to 21 MOTION for Partial Summary Judgment by Kenneth Wayne Humphries (jyg,) (Entered: 09/08/2006)
09/07/2006	27	Brief in Support filed by Kenneth Wayne Humphries re 26 MOTION for Extension of Time to File Response as to 21 MOTION for Partial Summary Judgment (jyg,) (Entered: 09/08/2006)
09/07/2006	28	Certificate of Pre-Motion CONFERENCE for Dft's Motion for an Extension of Time in Which to File Exceptions to the Findings and Recommendations by Kenneth Wayne Humphries. (jyg,) (Entered: 09/08/2006)

09/08/2006	29	Memorandum Order denying 26 Motion for Extension of Time to File Response to Pla's Motion for Summary Judgment, but grants Dft an additional 10 days to file objections filed by Kenneth Wayne Humphries, (Signed by Judge Jeff Kaplan on Sept 8, 2006) (jyg,) (Entered: 09/08/2006)
09/18/2006	30	Exceptions/RESPONSE filed by Kenneth Wayne Humphries re 23 Findings and Recommendations of the United States Magistrate Judge. NOD (jyg,) (Entered: 09/19/2006)
09/18/2006	31	***This document is an exact duplicate of #30***Exceptions/RESPONSE filed by Kenneth Wayne Humphries re 23 Findings and Recommendations of the United States Magistrate Judge. (jyg,) Modified on 9/22/2006 (lrl,). (Entered: 09/21/2006)
09/21/2006	32	OBJECTION filed by Michael J Quilling, Michael J Quilling re 30 Response to Order, 31 Response to Order <i>Plaintiff's Response Regarding the Findings and Recommendations of the U.S. Magistrate Judge</i> (Rodine, Brent) (Entered: 09/21/2006)
10/13/2006	33	Memorandum Opinion and Order granting 21 Motion for Summary Judgment filed by Michael J Quilling. The magistrate judge's findings are accepted as those of the court. (Signed by Judge Sam A Lindsay on October 13, 2006) (jyg,) (Entered: 10/13/2006)
10/18/2006	34	ORDER: The parties shall submit a joint status report by 11/1/2006. See order for details. (Signed by Judge Jeff Kaplan on October 18, 2006) (jyg,) (Entered: 10/19/2006)
11/01/2006	35	MOTION TO APPROVE AGREED ORDER EXPANDING THE DEADLINE FOR PREPARING A STIPULATION OF DISMISSAL AND PROPOSED FINAL JUDGMENT by Michael J Quilling (Attachments: # 1 Exhibit A)(Quilling, Michael) (Entered: 11/01/2006)
11/02/2006	36	Agreed ORDER granting 35 Motion Expanding the Deadlines for Preparing a Stipulation of Dismissal and Proposed Final Judgment. It is therefore ordered that this Court's Order is modified to allow the parties until 11/15/06, to prepare a stipulation of dismissal and proposed final judgment. (Signed by Judge Jeff Kaplan on November 2, 2006) (jyg,) (Entered: 11/03/2006)
11/15/2006	37	MOTION Motion for Court Order Dismissing Plaintiff's Remaining Claims and Brief in Support by Michael J Quilling with Brief in Support. (Attachments: # 1 Exhibit A) (Quilling, Michael) (Entered: 11/15/2006)

11/16/2006	38	STATUS REPORT <i>Joint Status Report</i> by Michael J Quilling. (Rodine, Brent) (Entered: 11/16/2006)
11/16/2006	39	ORDER granting 37 Motion for Court Order Dismissing Plaintiff's Remaining Claims and Brief in Support. Plaintiff is directed to prepare an interlocutory judgment in accordance with the October 13, 2006 memorandum opinion and order granting his motion for summary judgment and this order dismissing his remaining claims. The proposed judgment shall be submitted electronically to Kaplan_Orders@txnd.uscourts.gov by December 1, 2006. The court will set defendant's counterclaim for trial by separate order. (Signed by Judge Jeff Kaplan on November 16, 2006) (jyg,) (Entered: 11/17/2006)
11/17/2006	40	ABBREVIATED SCHEDULING ORDER: This case is set for trial on this court's four-week docket beginning 6/4/2007 at 09:00 AM before Judge Sam A Lindsay. Pretrial Conference set for 6/1/2007 11:00 AM before Judge Sam A Lindsay. Proposed Pretrial Order due by 5/14/2007. Pretrial Materials due by 5/14/2007. See order for other deadlines. (Signed by Judge Sam A Lindsay on November 17, 2006) (jyg,) (Entered: 11/17/2006)
12/07/2006	41	INTERLOCUTORY JUDGMENT in favor of Michael J Quilling against Kenneth Wayne Humphries. IT IS ORDERED, ADJUDGED, AND DECREED that judgment is hereby entered for Plaintiff on his fraudulent transfer claim against Defendant in the amount of \$19,000.00. Defendant is ordered to disgorge that amount and tender it to Plaintiff within sixty days after this Judgment is entered. IT IS ORDERED, ADJUDGED, AND DECREED that judgment is hereby entered for Plaintiff on his claim for negligent misrepresentation against Defendant in the amount of \$9,365,000.00. See order for details. (Signed by Judge Sam A Lindsay on December 7, 2006) (jyg,) (Entered: 12/08/2006)
03/19/2007	42	MOTION for Order to Show Cause by Michael J Quilling with Brief in Support. (Attachments: # 1 Exhibit A) (Quilling, Michael) (Entered: 03/19/2007)
03/20/2007	43	ORDER TO SHOW CAUSE. Show Cause Hearing set for 4/13/2007 09:00 AM before Magistrate Judge Jeff Kaplan. Kenneth Wayne Humphries is ordered to attend this hearing in person, then and there to show cause why he should not be held in civil contempt for violating the December 7, 2006 Interlocutory Judgment ordering that he disgorge the sum of \$19,000 and tender it to the Receiver. See order for details. (copy to dft by mail and email) (Signed by Judge Jeff Kaplan on March 20, 2007) (jyg) (Entered: 03/20/2007)

04/11/2007	44	AFFIDAVIT of Service for Show Cause Order served on Kenneth Humphries on 03/22/07. (Quilling, Michael) (Entered: 04/11/2007)
04/13/2007	45	ORDER: The parties have advised the court that this case has settled. The Receiver shall file a motion to approve the settlement agreement by 4/27/07. A proposed written settlement agreement, approved and signed by the Receiver and Defendant Kenneth Wayne Humphries, must be attached as an exhibit to the motion. In light of this settlement, the Receiver's 42 Motion for Order to Show Cause why Humphries should not be held in civil contempt is denied without prejudice. (Signed by Judge Jeff Kaplan on 04/13/07) (bss) (Entered: 04/13/2007)
04/13/2007	46	Minute Entry for proceedings held before Judge Jeff Kaplan: Show Cause Hearing held on April 13, 2007. Settlement agreement was reached. Pla's motion for order to show case 42 withdrawn. Order to enter. Pro se Deft Humphries sought relief from the court to file documents electronically, relief was granted. (Tape #K1146/2247.) Time in Court: 35 min. (jyg) (Entered: 04/13/2007)
05/22/2007	47	ORDER. Counsel are directed to file their stipulation with the clerk and submit the agreed order to the chambers of U.S. Magistrate Judge Jeff Kaplan by May 29, 2007. This case is removed from the June 4,2007 trial docket. The pretrial conference scheduled for June 1,2007, and all trial-related deadlines, are canceled. (Signed by Judge Jeff Kaplan on 5/22/07) (jrb) (Entered: 05/22/2007)
05/29/2007	48	STIPULATION by Michael J Quilling <i>Dismissing Defendant's Counterclaim and Finalizing Interlocutory Judgment.</i> (Rodine, Brent) (Entered: 05/29/2007)
05/30/2007	49	FINAL JUDGMENT in favor of Michael J Quilling against Kenneth Wayne Humphries. IT IS ORDERED, ADJUDGED, AND DECREED that judgment is hereby entered for Plaintiff on his fraudulent transfer claim against Defendant in the amount of \$19,000.00. Defendant is ordered to disgorge that amount and tender it to Plaintiff according to the parties' settlement agreement dated April 27, 2007. See order for details. (Signed by Judge Sam A Lindsay on May 30, 2007) (jyg) (Entered: 05/30/2007)

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