

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. 3:05-CV-2122-BH (H)
	§	
v.	§	ECF
	§	
JEFFREY MARC SCHONSKY,	§	Consent Case
	§	
Defendant.	§	

**PLAINTIFF’S REPLY BRIEF IN SUPPORT OF HIS
MOTION FOR SUMMARY JUDGMENT**

TO THE HONORABLE IRMA C. RAMIREZ, 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 Reply Brief in Support of his Motion for Summary Judgment in accordance with this Court’s Order of December 6, 2006 [Dkt. No. 18] and would respectfully show the Court as follows:

1. The Receiver tried to settle this case when Defendant was represented by counsel. At that time, Defendant indicated that he was unable to pay back the \$175,000.00 of investor funds that he received from Brad Stark. The Receiver then proposed to dismiss this case if: (1) Defendant returned his Rolex watch and personal computer that were purchased with investor funds and (2) he provided the Receiver a sworn financial statement with supporting bank records. Defendant, however, refused to sign a financial statement or produce any bank records.

2. Since Defendant has not been forthcoming about his financial condition, the Receiver

is not inclined to accept his most recent representations as true.

3. Defendant's Response Brief [Dkt. No. 17] acknowledges that he received investor funds and does not challenge the Receiver's evidence showing that those funds were fraudulently transferred from a *Ponzi* scheme. In short, there is no disputed issue of material fact in this case and the Court should grant summary judgment on the Receiver's claims for fraudulent transfer and constructive trust and disgorgement.

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/ Michael J. Quilling
Michael J. Quilling
State Bar No. 16432300
Email: mquilling@qsclpc.com
Brent J. Rodine
State Bar No. 24048770
Email: brodine@qsclpc.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

On December 15, 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:

Jeffrey Marc Schonsky
65-20 Booth Street
Apartment 3-L
Rego Park, New York 11374

 /s/ Michael J. Quilling

Michael J. Quilling