



CLOSED, ECF, KAPLAN

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:05-cv-01976**

Quilling v. Stark et al
Assigned to: Magistrate Judge Jeff Kaplan
Cause: 28:754 Receiver of Property in Different Districts

Date Filed: 10/05/2005
Date Terminated: 05/07/2007
Jury Demand: Defendant
Nature of Suit: 370 Fraud or Truth-In-Lending
Jurisdiction: Diversity

Plaintiff

Michael J Quilling
*Receiver for Sardaukar Holdings, IBC
and Bradley C Stark*

represented by **Brent Jason Rodine**
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V.

Defendant

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Defendant

Barbara Stark

represented by **Mark A Castillo**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephanie D Curtis
 (See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant**John W Stark, Jr**

represented by **Mark A Castillo**
 (See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant**Barbara Stark**

represented by **Mark A Castillo**
 (See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant**Michael J Quilling**

*Receiver for Sardaukar Holdings, IBC
 and Bradley C Stark*

represented by **Brent Jason Rodine**
 (See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
10/05/2005	1	COMPLAINT against John W Stark, Jr, Barbara Stark (Filing fee \$250; Receipt number 223702), filed by Michael J Quilling.(svc,) (Entered: 10/06/2005)
10/05/2005		***Magistrate Judge Stickney chosen by random selection to handle matters that may be referred in this case. (svc,) (Entered: 10/06/2005)
10/05/2005	2	Summons Issued as to John W Stark, Jr, Barbara Stark. (svc,) (Entered: 10/06/2005)
10/07/2005	4	Court Request for Recusal: Judge Jane J Boyle recused. Case reassigned to Judge A. Joe Fish for all further proceedings. (jyg,) (Entered: 10/12/2005)

10/11/2005	3	ORDER OF RECUSAL: Case is assigned to the docket of Chief Judge A. Joe Fish. See order for specifics. (Signed by Judge A. Joe Fish on 10/11/2005) (epp,) (Entered: 10/11/2005)
11/07/2005	5	Order Designating Case for ECF - see order for specifics. (cxb,) (Entered: 11/08/2005)
12/20/2005	6	AFFIDAVIT of Service for Summons and Complaint served on John W. Stark, Jr. on 11/18/05. (Quilling, Michael) (Entered: 12/20/2005)
12/20/2005	7	AFFIDAVIT of Service for Summons and Complaint served on Barbara Stark on 11/28/05. (Quilling, Michael) (Entered: 12/20/2005)
12/27/2005	8	MOTION to Dismiss for Lack of Jurisdiction (<i>Under Rules 12(b)(2), 12(b)(6), and 9(b) of the Federal Rules of Civil Procedure</i>) by John W Stark, Jr, Barbara Stark (Castillo, Mark) (Entered: 12/27/2005)
01/04/2006	9	RESPONSE to Motion re 8 MOTION to Dismiss for Lack of Jurisdiction (<i>Under Rules 12(b)(2), 12(b)(6), and 9(b) of the Federal Rules of Civil Procedure</i>) filed by Michael J Quilling. (Attachments: # 1 Exhibit A)(Quilling, Michael) (Entered: 01/04/2006)
01/19/2006	10	REPLY to Response to Motion re 8 MOTION to Dismiss for Lack of Jurisdiction (<i>Under Rules 12(b)(2), 12(b)(6), and 9(b) of the Federal Rules of Civil Procedure</i>) " <i>Defendants' Supplemental Brief in Support of Defendants' Motion to Dismiss Under FRCP 12(b)(2), 12(b)(6), and 9(b), and Reply to Plaintiff's Response to Motion to Dismiss</i> " filed by John W Stark, Jr, Barbara Stark. (Attachments: # 1 Exhibit A & B) (Castillo, Mark) (Entered: 01/19/2006)
02/23/2006	11	MOTION for Leave to File A Surreply Addressing New Arguments in Defendants' Reply by Michael J Quilling with Brief in Support. (Attachments: # 1 Exhibit A)(Quilling, Michael) (Entered: 02/23/2006)
02/24/2006	12	ORDER granting 11 Motion for Leave to File sur-reply. The plaintiffs shall file their sur-reply no later than Wednesday, March 1, 2006. This will complete the briefing schedule for this motion. No further submissions on this motion will be considered. (Signed by Judge A. Joe Fish on 2/24/06) (cxb,) (Entered: 02/24/2006)
03/03/2006	13	Sur-reply to Response to 8 MOTION to Dismiss for Lack of Jurisdiction (<i>Under Rules 12(b)(2), 12(b)(6), and 9(b) of the Federal Rules of Civil Procedure</i>) filed by Michael J Quilling. (Quilling, Michael) (Entered: 03/03/2006)

03/30/2006	14	NOTICE of Attorney Appearance by Clark B Will on behalf of Michael J Quilling (Will, Clark) (Entered: 03/30/2006)
04/26/2006	15	ORDER REASSIGNING CASE. Case reassigned to Judge Sam A Lindsay for all further proceedings. Judge A. Joe Fish no longer assigned to case. (Signed by Judge A. Joe Fish on 4/26/06) (cxb,) (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	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)
05/22/2006	19	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	20	FINDINGS AND RECOMMENDATIONS re 8 MOTION to Dismiss for Lack of Jurisdiction (<i>Under Rules 12(b)(2), 12(b)(6), and 9(b) of the Federal Rules of Civil Procedure</i>) filed by John W Stark, Jr, Barbara Stark. The court recommends that the dfts' mtn to dismiss should be denied in its entirety. See order for other specifics. (Signed by Judge Jeff Kaplan on 5/22/06) (jrb,) (Entered: 05/23/2006)
06/02/2006	21	ORDER TO SHOW CAUSE Show Cause Hearing set for 6/16/2006 09:00 AM before Magistrate Judge Jeff Kaplan. (Signed by Judge Jeff Kaplan on 6/2/06) (jrb,) (copies mailed per instructions) (Entered: 06/02/2006)
06/09/2006	22	Unopposed MOTION for Reconsideration re 21 Order to Show Cause , <i>partial relief requested</i> by John W Stark, Jr, Barbara Stark (Castillo, Mark) (Entered: 06/09/2006)

06/09/2006	23	ORDER granting 22 Motion for Reconsideration (Signed by Judge Jeff Kaplan on 6/9/06) (jrb,) (Entered: 06/12/2006)
06/16/2006	24	Minute Entry for proceedings held before Judge Jeff Kaplan : Show Cause Hearing held on 6/16/06. (Tape #K1102.) (klm,) (Entered: 06/16/2006)
06/16/2006	25	Standing Order for Electronic Filings Related to Matters Referred to the United States Magistrate Judge - see order for specifics. (Signed by Judge Jeff Kaplan on 6/16/06) (cxb,) (Entered: 06/16/2006)
06/16/2006	26	INITIAL SCHEDULING ORDER: Discovery due by 8/16/2006. Motions due by 9/5/2006. See order for specifics. (Signed by Judge Jeff Kaplan on 6/16/06) (svc,) (Entered: 06/16/2006)
06/16/2006	27	NOTICE OF OPTION TO CONSENT TO PROCEED BEFORE THE MAGISTRATE JUDGE...Please complete consent form and return it to the district clerk by July 17, 2006. See order for specifics. (Signed by Judge Jeff Kaplan on 6/16/06) (svc,) (Entered: 06/16/2006)
06/19/2006	28	ORDER ADOPTING 20 Findings and Recommendations. Accordingly, Defendants' MOTION to Dismiss for Lack of Jurisdiction (Under Rules 12(b)(2), 12(b)(6), and 9(b) of the Federal Rules of Civil Procedure) is denied. (Signed by Judge Sam A Lindsay on June 19, 2006) (jyg,) (Entered: 06/19/2006)
06/22/2006	29	NOTICE by Michael J Quilling re 27 Order of Consent to Proceed Before the Magistrate Judge (Quilling, Michael) (Entered: 06/22/2006)
06/26/2006	30	ANSWER to Complaint with Jury Demand by John W Stark, Jr, Barbara Stark, COUNTERCLAIM against Michael J Quilling filed by John W Stark, Jr, Barbara Stark(Castillo, Mark) (Entered: 06/26/2006)
07/17/2006	31	ANSWER to Counterclaim by Michael J Quilling(Rodine, Brent) (Entered: 07/17/2006)
07/17/2006	32	RESPONSE filed by John W Stark, Jr re 27 Order on Consent to Proceed Before the Magistrate Judge (Castillo, Mark) (Entered: 07/17/2006)
07/18/2006	33	ORDER REASSIGNING CASE. Case reassigned to Judge Jeff Kaplan for all further proceedings. (Signed by Judge Sam A Lindsay on 7/18/06) (jrb,) (Entered: 07/18/2006)

08/08/2006	34	MOTION to Approve Agreed Order Expanding the Deadlines for Completing Discovery and Filing Dispositive Motions by Michael J Quilling (Attachments: # 1 Exhibit A)(Rodine, Brent) (Entered: 08/08/2006)
08/08/2006	35	Amended MOTION to Approve Agreed Order Expanding the Deadlines for Completing Discovery and Filing Dispositive Motions re 34 MOTION to Approve Agreed Order Expanding the Deadlines for Completing Discovery and Filing Dispositive Motions by Michael J Quilling (Attachments: # 1 Exhibit A)(Rodine, Brent) (Entered: 08/08/2006)
08/09/2006	36	ORDER granting 34 Plaintiff's Motion to Extend the Deadlines for Completing Discovery and for Filing Dispositive Motions, and, granting 35 Plaintiff's Amended Motion to Extend the Deadlines for Completing Discovery and for Filing Dispositive Motions. All fact discovery must be initiated in time to be completed by 8/25/06. All dispositive motions must be filed by 9/14/06. (Signed by Judge Jeff Kaplan on 8/9/06) (klm,) (Entered: 08/10/2006)
08/09/2006		Set/Reset Deadlines: Discovery due by 8/25/2006. Motions due by 9/14/2006. (klm,) (Entered: 08/10/2006)
08/25/2006	37	MOTION to Stay to Approve Agreed Order to Stay All Deadlines Pending Settlement by Michael J Quilling. (Attachments: # 1 Exhibit A) (Quilling, Michael) Modified on 8/29/2006 (lmr,). (Entered: 08/25/2006)
08/28/2006	38	ORDER granting 37 Motion to Stay All Deadlines Pending Settlement. It is Orderd that if a settlement has not been submitted for Court approval by October 24, 2006, then all fact discovery must be completed by that date; and the Receiver must file his motion for summary judgment or other dispositive motion by that date. (see order for specifics) (Signed by Judge Jeff Kaplan on 08/28/06) (lmr,) (Entered: 08/28/2006)
09/17/2006		Case reassigned upon consent. (lrl) (Entered: 05/30/2007)
10/24/2006	39	MOTION for Summary Judgment by Michael J Quilling (Quilling, Michael) (Entered: 10/24/2006)
10/24/2006	40	Brief/Memorandum in Support filed by Michael J Quilling re 39 MOTION for Summary Judgment (Quilling, Michael) (Entered: 10/24/2006)

10/24/2006	41	Appendix in Support filed by Michael J Quilling re 40 Brief/Memorandum in Support of Motion (Attachments: # (1) Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E)(Quilling, Michael) Additional attachment(s) added on 10/25/2006 (jyg,). (Entered: 10/24/2006)
10/25/2006	42	ORDER: Reset Deadlines as to 39 Motion for Summary Judgment. Response due by 11/27/2006. The response must be accompanied by a brief not to exceed 25 pages in length. Reply due by 12/12/2006. The reply shall not exceed 10 pages in length. (see order for specifics) (Signed by Judge Jeff Kaplan on 10/25/06) (lmr,) (Entered: 10/25/2006)
11/27/2006	43	RESPONSE filed by John W Stark, Jr, Barbara Stark re 39 MOTION for Summary Judgment (Curtis, Stephanie) (Entered: 11/27/2006)
11/27/2006	44	Brief/Memorandum in Support filed by John W Stark, Jr, Barbara Stark re 43 Response to Motion for Summary Judgment. (Curtis, Stephanie) Modified on 11/28/2006 (lmr,). (Entered: 11/27/2006)
11/27/2006	45	Appendix in Support filed by John W Stark, Jr, Barbara Stark re 44 Brief/Memorandum in Support of 43 Response to Motion for Summary Judgment. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E 1 of 7# 6 Exhibit E 2 of 7# 7 Exhibit E 3 of 7# 8 Exhibit E 4 of 7# 9 Exhibit E 5 of 7# 10 Exhibit E 6 of 7# 11 Exhibit E 7 of 7) (Curtis, Stephanie) Modified on 11/28/2006 (lmr,). (Entered: 11/27/2006)
12/12/2006	46	REPLY filed by Michael J Quilling re 39 MOTION for Summary Judgment (Rodine, Brent) (Entered: 12/12/2006)
02/07/2007	47	Memorandum Opinion and Order granting 39 Motion for Summary Judgment filed by Michael J Quilling. See order for specifics. (Signed by Judge Jeff Kaplan on 2/7/07) (jrb) (Entered: 02/07/2007)
02/07/2007	48	ORDER:Joint Status Report due by 2/21/2007. See order for specifics. (Signed by Judge Jeff Kaplan on 2/7/07) (jrb) (Entered: 02/07/2007)
02/21/2007	49	JOINT STATUS REPORT by Michael J Quilling. (Rodine, Brent) Modified on 2/22/2007 (lmp). (Entered: 02/21/2007)

02/22/2007	50	ORDER SETTING CASE FOR TRIAL: Pretrial Conference set for 4/27/2007 09:00 AM before Magistrate Judge Jeff Kaplan. Jury Trial set for 4/30/2007 09:00 AM before Magistrate Judge Jeff Kaplan. Pretrial Materials due by 4/20/2007. Joitn Pretrial Order due by 04/20/07.(see order for specifics) (Signed by Judge Jeff Kaplan on 02/22/07) (Imp) Modified on 2/23/2007 (Imp). (Entered: 02/22/2007)
02/22/2007		Set Scheduling Order Deadlines: Proposed Pretrial Order due by 4/20/2007. (Imp) (Entered: 02/23/2007)
03/08/2007	51	Unopposed MOTION to Extend Time Time to Appeal Memorandum Opinion by John W Stark, Jr, Barbara Stark (Attachments: # 1 Text of Proposed Order) (Castillo, Mark) (Entered: 03/08/2007)
03/08/2007	52	ORDER granting 51 Unopposed MOTION to Extend Time Time to Appeal Memorandum Opinion. Accordingly, Defendants John W. Stark, Jr. and Barbara Stark are granted an additional thirty (30) days from March 9, 2007 with which to file a notice of appeal on the February 7, 2007 Order. (Signed by Judge Jeff Kaplan on 03/08/07) (Imp) (Entered: 03/08/2007)
04/26/2007	53	ORDER: By separate order filed today, the court has approved a settlement agreement between Plaintiff Michael J. Quilling, as Receiver for Sardaukar Holdings, IBC and related entities, and Defendants John W. Stark, Jr. and Barbara Stark. As part of the settlement, the parties have agreed to the entry of an Agreed Final Judgment in this case. Counsel are directed to submit this Agreed Final Judgment to the chambers of U.S. Magistrate Judge Jeff Kaplan by Mav 4, 2007. This case is removed from the April 30,2007 trial docket. The pretrial conference scheduled for April 27,2007 is canceled. (Signed by Judge Jeff Kaplan on 04/26/07) (Imp) (Entered: 04/26/2007)
05/04/2007	54	MOTION Receiver's Unopposed Motion to Approve Agreed Judgment Against John W. Stark, Jr. and Barbara Stark by Michael J Quilling (Attachments: # 1 Exhibit A) (Rodine, Brent) (Entered: 05/04/2007)
05/07/2007	55	AGREED FINAL JUDGMENT AGAINST DEFENDANTS JOHN W. STARK. JR AND BARBARA STARK. IT IS ORDERED, ADJUDGED, AND DECREED that: Judgment is entered for Plaintiff and against Defendants John W. Stark, Jr. and Barbara Stark jointly and severally in the amount of \$119,196.45 with respect to the Receiver's claims for fraudulent transfer and constructive trust and disgorgement. (see order for specifics) (Signed by Judge Jeff Kaplan on 05/07/07) (Imp) Modified on 5/8/2007 (Imp). (Entered: 05/07/2007)

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