

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL J. QUILLING, as Receiver for Sardaukar Holdings, IBC and Bradley C. Stark,	§	
	§	
	§	
Plaintiff,	§	NO. 3:05-CV-1976-BD
	§	
vs.	§	ECF
	§	
JOHN W. STARK, JR. and BARBARA STARK,	§	Referred to U.S. Magistrate Judge
	§	
Defendants.	§	

**DEFENDANTS’ RESPONSE TO PLAINTIFF’S
MOTION FOR SUMMARY JUDGMENT**

TO THE HONORABLE JEFF A. KAPLAN,
UNITED STATES MAGISTRATE JUDGE:

COME NOW, John W. Stark Jr. and Barbara Stark (together, the “Defendants”) the defendants in the above-entitled civil action, and file this *Defendants’ Response to Plaintiff’s Motion for Summary Judgment* (the “Response”) in accordance with Fed. R. Civ. P. 56, Local Rule 56.4, and this Court’s Order to proceed before the United States Magistrate Judge [Docket No. 33]. In support hereof, the Defendants have contemporaneously filed a separate brief under Local Rules 56.4(b) and 56.5, and respectfully show the Court as follows:

I. SUMMARY

1. For the reasons set forth in the *Brief in Support of Defendants’ Response to Plaintiff’s Motion for Summary Judgment*, the Receiver (as defined therein) is not able to meet his burden for his motion for summary judgment. The Receiver is not able to

show that, when taken in the light most favorable to the non-movants, material facts are not subject to a bona fide dispute.

II. RESPONSE EVIDENCE

2. The Defendants' Response is based on the evidence listed below:
 - a. Declaration of John W. Stark, Jr.;
 - b. Declaration of Barbara Stark;
 - c. John Stark's Employment Agreement;
 - d. John Stark's Accounting Formulae, Design, and Spreadsheets; and
 - e. Tesori Fine Art & Collectibles' Sign and Brochure.

III. RELIEF REQUESTED

3. For the reasons stated in the *Brief in Support of Defendants' Response to Plaintiff's Motion for Summary Judgment*, the Defendants pray that the Plaintiff take nothing and that the Court issue an order denying the Plaintiff's motion for summary judgment.

Dated November 27, 2006

Respectfully Submitted,

/s/ Mark A. Castillo

Stephanie D. Curtis

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COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned certifies that on November 27, 2006 a true and correct copy of the foregoing was served via the Court's ECF system and first class mail, postage pre-paid, to counsel for the Plaintiff at the address below.

/s/ Mark A. Castillo _
Mark A. Castillo

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