

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-1976-L (BD)
	§	
v.	§	ECF
	§	
JOHN W. STARK, JR. and BARBARA	§	Referred to U.S. Magistrate Judge
STARK,	§	
	§	
Defendants.	§	

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE JEFF A. KAPLAN, 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 his Motion for Summary Judgment against Defendants John W. Stark, Jr. and Barbara Stark in accordance with Fed. R. Civ. P. 56, Local Rule 56.3, and this Court’s Order to proceed before the United States Magistrate Judge [Dkt. No.33]. In support of this motion, the Receiver has contemporaneously filed a separate brief under Local Rule 56.5 and would respectfully show the Court as follows:

**I.
SUMMARY**

The Receiver seeks summary judgment on his fraudulent transfer claim against Defendants and attaches his supporting brief under Local Rule 56.3(b) that sets out the elements of each claim or defense, the legal and factual bases for relief, and all citations to evidence in the appendix.

**II.
SUMMARY JUDGMENT EVIDENCE**

Plaintiff's Motion for Summary Judgment is based upon the evidence listed below:

1. Declaration of Michael J. Quilling, Exhibit "A";
2. Summary of Sardaukar's JPMorgan Bank Account, Exhibit "A-1";
3. Barbara Stark's Deposition, Exhibit "B";
4. John Stark's Deposition, Exhibit "C";
5. Defendants' Discovery Responses, Exhibit "D";
6. Felony Conviction of Bradley C. Stark, Exhibit "E".

Plaintiff also requests that this Court take judicial notice of the pleadings and other documents contained in the Court's case file for this proceeding, *SEC v. Megafund et al.*, Cause No. 3:05-CV-1328 (N.D. Tex.), and *Quilling v. Tschebaum*, Cause No. 3:05-CV-1465 (N.D. Tex.).

**III.
REQUESTED RELIEF**

Under Rule 56 of the Federal Rules of Civil Procedure, the Receiver respectfully requests that this Court enter judgment in his favor and against the Defendants because the undisputed material facts entitle him to the following as a matter of law:

(1) a judgment declaring that the \$174,736.21 transferred from Sardaukar Holdings, IBC to Defendants, directly or for their benefit, are fraudulent transfers and voidable under the Uniform Fraudulent Transfer Act;

(2) a judgment avoiding those transfers as fraudulent under the Uniform Fraudulent Transfer Act;

(3) a judgment against Defendants, jointly and severally, for \$174,736.21 and an order of

disgorgement for the same;

(4) a judgment declaring that Defendants used \$95,154.43 of those investor funds to pay off the mortgage on their residence at 16960 Washington Street in Riverside, California;

(5) a judgment declaring that the Receiver holds an equitable lien for \$95,154.43 against that property;

(6) an order foreclosing the Receiver's equitable lien and authorizing the property's sale to satisfy it;

(7) an order that any recovery from the sale of the residence at 16960 Washington Street shall be credited against the Defendants' judgment debt; and

(8) a judgment awarding the Receiver his reasonable attorneys' fees, expenses, costs, pre- and post-judgment interest, and such other and further relief, general or special, at law or in equity, to which he is justly entitled.

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
E-mail: mquilling@qsclpc.com
Brent J. Rodine
State Bar No. 24048770
E-mail: brodine@qsclpc.com

ATTORNEYS FOR PLAINTIFF

