

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

JENNIFER ECKLUND, RECEIVER,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Ancillary Civil Action No. 4:18-cv-359
	§	
ROBERT AND SANDRA BAILEY, et al.	§	
	§	
Defendants.	§	

**MOTION TO DISMISS  
DEFENDANT STEPHEN GARRETT WITHOUT PREJUDICE**

In accordance with Federal Rules of Civil Procedure 41 and 66, Plaintiff Jennifer Ecklund, in her capacity as the Court-appointed Receiver (the “**Receiver**”) for Defendants Thurman P. Bryant, III and Bryant United Capital Funding, Inc. and Defendant Arthur F. Wammel, Defendant Wammel Group, LLC, and Wammel Group Holdings Partnership receivership estates, hereby files this *Motion to Dismiss Defendant Stephen Garrett Without Prejudice* (the “**Motion**”) and respectfully shows the Court as follows:

1. The Receiver filed this lawsuit on May 15, 2018.
2. The Receiver and Defendant Stephen Garrett have since resolved the claims at issue between them in this lawsuit.
3. Accordingly, under Federal Rule of Civil Procedure 41(a), the Receiver seeks to voluntarily dismiss without prejudice the claims brought against Defendant Stephen Garrett in the Receiver’s complaint in the above-numbered and styled case.
4. The Receiver has not previously dismissed an action against Defendant Stephen Garrett based on or including the same claim or claims as those presented in this case.

5. Only Defendant Stephen Garrett will be dismissed from this action by the proposed *Order Granting Motion to Dismiss Defendant Stephen Garrett Without Prejudice* filed with this Motion.

DATED: May 7, 2019.

Respectfully submitted,

By: /s/ Timothy E. Hudson

Timothy E. Hudson  
State Bar No. 24046120  
Tim.Hudson@tklaw.com

William L. Banowsky  
State Bar No. 01697125  
William.Banowsky@tklaw.com

Mackenzie S. Wallace  
State Bar No. 24079535  
Mackenzie.Wallace@tklaw.com

THOMPSON & KNIGHT LLP  
One Arts Plaza  
1722 Routh Street, Suite 1500  
Dallas, Texas 75201  
Telephone: (214) 969-1700  
Facsimile: (214) 969-1751

**COUNSEL TO RECEIVER**

**CERTIFICATE OF SERVICE**

On May 7, 2019, I electronically submitted the foregoing document to the Clerk of the Court for the United States District Court for the Eastern District of Texas using the electronic case filing system of the Court.

/s/ Timothy E. Hudson  
Timothy E. Hudson

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**ORDER GRANTING MOTION TO DISMISS  
DEFENDANT STEPHEN GARRETT WITHOUT PREJUDICE**

On this date, the Court considered the *Motion to Dismiss Defendant Stephen Garrett Without Prejudice* (the “**Motion**”). The Court, having considered the Motion, finds that the Motion should be granted. Accordingly,

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

The relief requested in the Motion is **GRANTED**. Defendant Stephen Garrett is hereby **DISMISSED WITHOUT PREJUDICE**. Defendant Stephen Garrett is the only defendant dismissed in this Order.

**IT IS FURTHER ORDERED** that this is a final, appealable order. All relief not granted herein is **DENIED**.

**IT IS FURTHER ORDERED** that all costs are taxed against the party incurring same.

**IT IS SO ORDERED.**