



2. Since filing the complaint, the Commission and Bjork have engaged in settlement negotiations that have yielded an agreement resolving the Commission's injunctive claims, described above. Without admitting or denying the allegations in the Commission's Complaint, Bjork has consented to the entry of a judgment as to the permanent injunctive relief being sought by the Commission. Bjork's executed and notarized Consent—approved as to form by his counsel—and the form of the agreed judgment are filed herewith.

3. The Commission's claims for disgorgement and civil penalties remain unresolved. But the Court may finally adjudicate these claims upon further motion by the Commission, as set forth in paragraph 4 of the Consent and in Section VII of the form judgment.

4. To give effect to the parties' agreement, the Commission respectfully moves the Court to enter the (proposed) Judgment as to Defendant Brian A. Bjork filed herewith.

Dated August 23, 2011.

Respectfully submitted,

s/Timothy S. McCole  
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**CERTIFICATE OF CONFERENCE**

Counsel for the Commission has conferred with Bjork's counsel, who does not oppose this motion or the entry of the relief requested.

s/Timothy S. McCole  
TIMOTHY S. McCOLE

**CERTIFICATE OF SERVICE**

I certify that I have sent a copy of the above motion and the proposed order by email to Defendant Bjork's counsel and to Steven A. Harr, court-appointed receiver for Defendant Bjork; Defendant J. David Group of Companies, Inc.; Defendant J. David Financial Group LP; Defendant Select Asset Management, LLC; Defendant Select Capital Management, LLC; Defendant Select Asset Fund I, LLC; Defendant Select Asset Prime Index Fund, LLC; Defendant Estate of Joel David Salinas.

s/Timothy S. McCole  
TIMOTHY S. McCOLE