

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

**BRIAN A. BJORK;
ESTATE OF JOEL DAVID SALINAS;
J. DAVID GROUP OF COMPANIES, INC.
J. DAVID FINANCIAL GROUP, L.P.;**
**SELECT ASSET MANAGEMENT, LLC;
SELECT CAPITAL MANAGEMENT, LLC
SELECT ASSET FUND I, LLC; and
SELECT ASSET PRIME INDEX FUND LLC,**

Defendants.

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§ Civil Action No.: 11-cv-2830
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CERTIFICATION UNDER FED.R.CIV.P. 65(b)

I, Barbara L. Gunn, do hereby declare under penalty of perjury, in accordance with 28 U.S.C. §1746, that the following is true and correct, and further that this declaration is made on my personal knowledge and that I am competent to testify as to the matters stated herein:

- 1. I am an attorney-at-law.
- 2. I am currently admitted to practice in the State of Texas.
- 3. I have worked in the Enforcement Division of the United States Securities and

Exchange Commission (“Commission”) for 23 years. I currently serve as an Assistant Regional Director for the Fort Worth Regional Office. In that capacity, I am responsible for supervising federal securities-law investigations and for overseeing the filing of enforcement actions.

4. Between October 1, 1998, and the present, this office has filed 83 civil injunctive actions in which the Commission sought emergency relief.¹ In several of those cases, including

SEC v. Blackwell, et al., No. 3:11-cv-234-L (N.D. Tex.)(Lindsay, S.)(granting temporary restraining order); *SEC v. Smith, et al.*, No.4:10-cv-613-MHS-ALM (E.D. Tex.)(Snyder, M.)(granting temporary restraining order, orders requiring asset freeze, accounting, preservation of documents and expedited discovery); *SEC v. Ginder, et al.*, No. 4:10-cv-02867 (S.D. Tex 2010)(Sim, L.)(granting agreed orders appointing receiver and requiring an accounting); *SEC v. Petrogas Overseas Trading, LP, et al.*, No. 4:10-cv-395-A (N.D. Tex 2010)(McBryde, J.)(granting temporary restraining order, orders freezing assets, requiring and accounting of revenues, expenses and assets, requiring an accounting of revenues, expenses and assets, prohibiting the destruction and/or alteration of documents, requiring surrender of passports, requiring repatriation of assets and authorizing expedited discovery); *SEC v. American Settlement Associates, LLC, et al.*, No. 4:10-cv-912 (S.D. Tex 2010)(Lake, S.)(granting order freezing assets and other emergency relief and order appointing receiver); *SEC v. Alan Todd May, et al.*, No. 3:10-cv-425-L (N.D. Tex 2010)(Lindsey, S.)(granting order freezing assets and other emergency relief and order appointing receiver); *SEC v. Striker Petroleum, LLC, et al*, No. 3:09cv2304-D (N.D. Tex 2009)(Fitzwater, S.)(granting agreed order freezing assets and appointing receiver); *SEC v. Harris, et al.*, No. 3:09cv1809-M (N.D. Tex 2009)(Boyle, J.)(granting agreed order freezing assets and appointing receiver); *SEC v. Saleh, et al.*, No. 3:09-cv-1778-M, (N.D. Tex. 2009)(Lynn, B.)(granting order freezing assets, requiring an accounting, requiring preservation of documents, and authorizing expedited discovery); *SEC v. Poetter, et al.*, No. 6:09-cv-398, (E.D. Tex. 2009)(Schneider, M.)(granting appointment of receiver and expedited discovery); *SEC v. Titan Wealth Management, et al.*, No. 4:09-cv-418 (E.D. Tex 2009)(Schneider, M.)(granting temporary restraining order, freezing assets, requiring an accounting, requiring preservation of documents, authorizing expedited discovery and granting other equitable relief); *SEC v. Randall, et al.*, No. 3:09-cv-1465-O (N.D. Tex 2009)(O'Connor, R.)(granting temporary order, order freezing assets, requiring accounting, requiring preservation of documents, and authorizing expedited discovery and order appointing receiver); *SEC v. PrivateFX Global One, Ltd., et al.*, No.H-09-cv-1541, (S.D. Tex. 2009)(Lake, S.)(granting asset freeze and other emergency relief, and appointing receiver); *SEC v. Kiselak Capital Group, et al.*, No. 4:09-cv-256-A (N. Tex-Ft. Worth 2009)(McBryde, J.)(granting temporary restraining order and other emergency relief including receiver); *SEC v. Ponta Negra Fund I, LLC, et al.*, No. A09CA-324-SS (W.D. Tex. 2009)(Sparks, B.)(granting temporary restraining order, order freezing assets and granting other emergency relief including receiver); *SEC v. Benny L. Judah and Excel Lease Fund, Inc.*, No. 5:09cv0087-C (N.D. Tex 2009)(S. Cummings)(granting agreed order freezing assets and appointing receiver); *SEC v. Oversea Chinese Fund Limited Partnership, et al.*, No. 3:09-cv0614-B (N.D. Tex 2009)(Boyle, J.)(granting temporary restraining order, order freezing assets, order requiring an accounting, order requiring preservation of documents, and order authorizing expedited discovery, and order appointing receiver); *SEC v. Millennium Bank., et al*, No. 7-09-cv-050-O (N.D. Tex 2009)(O'Connor, R)(order granting temporary restraining order, order freezing assets, temporary restraining order, order appointing receiver,); *SEC v. Ray M. White., et al*, No. 3-09-cv-0407-K (N.D. Tex 2009)(Kinkeade, E)(granting order freezing assets, temporary restraining order and order appointing receiver); *SEC v. Stanford International Bank, Ltd., et al.*, No. 3:09-cv-0298-N (N.D. Tex. 2009)(Godbey, D)(order granting temporary restraining order, order freezing assets, order requiring an accounting, order requiring preservation of documents, and order authorizing expedited discovery, and order appointing receiver); *SEC v. Rod Cameron Stringer, et al*, No. 5:09cv0009-C (N.D. Tex. Lubbock 2009)(Cummings, S.)(order appointing receiver); *SEC v. Star Exploration, Inc., et al*, No. 3:08-cv-2248-O (N.D. Tex. 2008)(O'Connor, R.)(order appointing receiver); *SEC v. Delta Onshore Management, LLC, et al*, No. 08-1278-MLB (D. Kan. Wichita 2008)(Belot, M.)(order freezing assets and order appointing receiver); *SEC v. Patrick Henry Haxton, et al.*, No. 3-08CV1467-L (N.D. Tex. 2008)(Lindsay, J.)(granting asset freeze, temporarily restraining order, requiring accountings; prohibiting document alteration or destruction, authorizing expedited discovery; and authorizing alternative methods of service); *SEC v. W Financial Group, LLC, et al.*, No. 3:08-CV-499-N (N.D. Tex. 2008)(Godbey, D.)(granting temporary restraining order, order freezing assets, requiring preparation of sworn accountings, prohibiting document alteration or destruction, authorizing expedited discovery, repatriating all funds and assets and authorizing alternative methods of service, and receiver); *SEC v. McNaul, II, et al.*, No.08-1159-JTM (D. Kan. 2008)(Marten, J.)(granting order freezing assets and requiring preservation of documents, and order appointing receiver); *SEC v. T-Bar Resources, LLC, et al.*, No. 3-07-CV-1994 (N.D. Tex. 2007)(Boyle, J.)(granting agreed preliminary injunction and emergency asset freeze, and appointment of receiver); *SEC v. Terax Energy, Inc.*, No. 3-07-CV-1554 (N.D. Tex. 2007)(Lynn, B.) (granting

temporary restraining order, order freezing assets, requiring an accounting, requiring preservation of documents, and authorizing expedited discovery); *SEC v. Roberts, et al.*, No. 4:07-CV786-JLH (E.D. AR. 2007)(Holmes, J.)(granting agreed order of preliminary injunction, order freezing assets, requiring an accounting, and requiring preservation of documents); *SEC v. AmeriFirst Funding, et al.*, No. 3-07-CV-1188 (N.D. Tex. 2007)(Fitzwater, S.)(granting temporary restraining order, order freezing assets, requiring an account, requiring preservation of documents, requiring repatriation of assets and authorizing expedited discovery, and order appointing temporary receiver); *SEC v. Longs, et al.*, No. 4-07-cv-537-SWW (E.D. AR, Western Div.)(Wrights, S.)(agreed order of preliminary injunction, order freezing assets, requiring an accounting, requiring repatriation of assets, and requiring preservation of documents); *SEC v. One or More Unknown Purchasers of Call Options for the Common Stock of TXU Corp, et al.*, No. 01-07-CV-1208 (N.D. Tex. 2007)(Lindberg, G.) (granting temporary restraining order and order freezing assets); *SEC v. ABC Viaticals, et al.*, No. 3-06-CV-2136-P (N.D. Tex. 2006) (Solis, J.)(granting temporary restraining order and order appointing receiver); *SEC v. Seaforth Meridian, LTD., et al.* (No. 06-4107-RDR)(D. Kan. 2006)(granting ex parte order freezing assets, requiring repatriation of assets, authorizing expedited discovery, order requiring preservation of documents and order appointing receiver); *SEC v. Integrated Equities, Inc., et al.*, No. 2:06-CV-00779-RCJ-GWF (D. Nevada 2006)(Jones, R.)(granting preliminary injunctions and order appointing temporary receiver), *SEC v. Sunray Oil Company, Inc., et al.*, No. 3:06-CV-1097-R (N.D. Tex. 2006)(Buchmeyer, J.)(granting temporary restraining order, order freezing assets, and order appointing temporary receiver), *SEC v. EFS, LLC, et al.*, No. 3-06CV0793-M (N.D. Texas 2006)(Sanders, B)(granting ex parte temporary restraining order and order freezing assets and order appointing temporary receiver), *SEC v. ATM Alliance, et al.*, No.A-05-CA-190-LY (W.D. Tex. 2005)(granting ex parte temporary restraining order, order freezing assets, and order appointing temporary receiver); *SEC v. Travis Correll, et al.*, No. 4:05-CV-472 (E.D. Tex. 2005)(Schell, R.)(granting ex parte temporary restraining order, order freezing assets and order appointing temporary receiver), *SEC v. Allixon International Corp., et al.*, No. 3:05-CV-2260-P (N.D. Tex. 2005)(Godbey, D)(granting temporary order freezing assets); *SEC v. Nelson, et al.*, No. 5:05-CV-0266-C (N.D. Tex. 2005)(Cummings, S.)(granting ex parte order freezing asset and order appointing temporary receiver); *SEC v. Megafund, Inc.*, No. 3:05-CV-1328-L (N.D. Tex. 2005)(Lindsey, J.)(granting ex parte temporary restraining order, order freezing assets and order appointing receiver); *SEC v. David Tanner*, No. 05-4057-SAC (D. Kan. 2005)(Crow, J.)(granting ex parte temporary restraining order and asset freeze order); *SEC v. Philip D. Phillip*, No. 2-05CV-107-J (N.D. Tex. 2005)(Robinson, J.)(granting temporary restraining order and order freezing assets); *SEC v. Jack A. Brown*, No. 6:04-CV-537 (E.D. Tex. Dec. 2004)(Schneider, J.)(granting ex parte order freezing assets and order appointing receiver); *SEC v. Kaye*, No. 04-1275-MLB (D. Kan. 2004) (Belot, J.) (granting ex parte temporary restraining order, order freezing assets and order appointing receiver); *SEC v. Kings Real Estate Inv. Trust*, No. 5:04-04006-RDR-KGS (D. Kan. 2004) (Rogers, J.) (granting ex parte temporary restraining order, order freezing assets and order appointing receiver); *SEC v. Cash Link Systems Inc.*, No. 3-04-CV-1573-L (N.D. Tex. 2004) (Lindsay, J.) (granting ex parte temporary restraining order, order freezing assets and order appointing receiver); *SEC v. Levy*, No. 304-CV- 00351-N (N.D. Tex. 2004) (Godbey, J.) (granting order freezing assets); *SEC v. Montana*, No. CIV-04-542 (S.D. Tex. 2004) (Kent, J.) (granting ex parte temporary restraining order, order freezing assets and order appointing receiver); *SEC v. Holt*, No. Civ-03-1825 (D. Ariz. 2003) (Rosenblatt, J.) (granting ex parte temporary restraining order, order freezing assets and order appointing receiver); *SEC v. Henderson*, No. 3-03-CV-2661-K (N.D. Tex. 2003) (Kinkeade, J.) (granting ex parte temporary restraining order, order freezing assets, and order appointing receiver); *SEC v. IPIC Int'l, Inc.*, No. 3-03-CV-2781-P (N.D. Tex. 2003) (Solis, J.) (granting ex parte temporary restraining order, order freezing assets and order appointing receiver); *SEC v. Rocky Mountain Energy Corp.*, No. H-03-1133 (S.D. 2003) (Lake, J.) (granting ex parte temporary restraining order, order freezing assets and order appointing receiver); *SEC v. United States Reservation Bank and Trust*, No. CIV-02-0581 (D. Ariz. 2002) (Carroll, J.) (granting ex parte temporary restraining order, order freezing assets, and order appointing receiver); *SEC v. Southmark Advisory, Inc.*, No. 02CV-830E-(M) (N.D. Okla. 2002) (Ellison, J.) (granting ex parte temporary restraining order, order freezing assets, and order appointing receiver); *SEC v. Tyler*, No. 3-02-CV-0282-P (N.D. Tex. 2002) (Solis, J.) (granting preliminary injunction, order freezing assets and order appointing receiver); *SEC v. Res. Dev. Int'l, L.L.C.*, No. 3-02-CV-0605-H (N.D. Tex. 2002) (Buchmeyer, J.) (granting ex parte temporary restraining order, order freezing assets and order appointing receiver); *SEC v. Dillie*, No. Civ-01-2493 (D. Ariz. 2001) (Teilborg, J.) (granting ex parte temporary restraining order, order freezing assets and order appointing receiver); *SEC v. Stroud*, No. Civ-01-999-L (W.D. Okla. 2001) (West, J.) (granting ex parte temporary restraining order, order freezing assets and order appointing receiver); *SEC v. English*, No. Civ-01-223-W (W.D. Okla. 2001) (West, J.) (granting ex parte temporary restraining order, order freezing assets and order appointing receiver); *SEC v. Hill*, No. 3-01-CV-2189-X (N.D. Tex. 2001) (Fitzwater, J.) (granting ex parte temporary restraining order, order freezing assets and order appointing

ones in which the asset freeze was granted *ex parte*, one or more defendants or relief defendants violated the asset freeze. Moreover, based on the nature of this egregious scheme and the gross misapplication of investor funds, emergency relief is needed to prevent the Defendants from continuing to defraud investors, to limit the potential for further financial harm to existing investors, and to recover assets for the Defendants' victims.

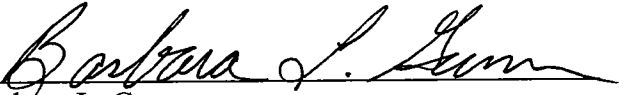
5. Based on my office's past experiences in similar cases and on the information my

receiver); *SEC v. C-Tech, L.L.P.*, No. 3-01-CV-2542-P (N.D. Tex. 2001) (Solis, J.) (granting order freezing assets and an order appointing a receiver); *SEC v. First Americap Corp.*, No. H-01-1153 (S.D. Tex. 2001) (Buchmeyer, J.) (granting *ex parte* temporary restraining order and an order freezing assets); *SEC v. Perennial Fund I LP*, No. C00-21181 (N.D. Cal. 2000) (Ware, J.) (granting *ex parte* temporary restraining order, order freezing assets and order appointing receiver); *SEC v. Broadband Wireless Int'l Corp.*, No. Civ-00-1375 (W.D. Okla. 2000) (Russell, J.) (granting *ex parte* temporary restraining order, order freezing assets and order appointing receiver); *SEC v. Garland*, No. 3-00-CV-1149-X (N.D. Tex. 2000) (Kendall, J.) (granting temporary restraining order and order freezing assets); *SEC v. New World Web Vision.Com, Inc.*, No. 4-00-CV-0231-Y (N.D. Tex. 2000) (Means, J.) (granting temporary restraining order, order freezing assets and order appointing receiver); *SEC v. Stadt Media, L.L.C.*, No. 3-00-CV-1489-P (N.D. Tex. 2000) (granting temporary restraining order, order freezing assets and order appointing receiver); *SEC v. Ellis*, No. 3-00-CV-1040-P (N.D. Tex. 2000) (Solis, J.) (granting *ex parte* temporary restraining order and an order freezing assets); *SEC v. Le Club Prive, S.A.*, No. 3-00-CV-1851-R (N.D. Tex. 2000) (Buchmeyer, J.) (granting *ex parte* temporary restraining order, order freezing assets, and order appointing receiver); *SEC v. Houston Texans NFL Football Team Holding Co.*, No. H-00-3072 (S.D. Tex. 2000) (Rainey, J.) (granting *ex parte* temporary restraining order and order freezing assets); *SEC v. Oracle Trust Fund*, No. 99-1483-MLB (D. Kan. 1999) (Belot, J.) (granting *ex parte* temporary restraining order, order freezing assets, and order appointing receiver); *SEC v. Cornerstone Prodigy Group, Inc.*, No. 4-99-CV-0978-Y (N.D. Tex. 1999) (Means, J.) (granting order freezing assets and order appointing receiver); *SEC v. Highland Financial Corp.*, No. 4-99-CV-0719-D (N.D. Tex. 1999) (granting *ex parte* restraining order, order freezing assets and order appointing a receiver); *SEC v. Brooks*, No. 3-99-CV-1326-D (N.D. Tex. 1999) (Fitzwater, J.) (granting *ex parte* temporary restraining order and order freezing assets); *SEC v. Redbank Petroleum, Inc.*, No. 3-99-CV-1267-T (N.D. Tex. 1999) (granting *ex parte* temporary restraining order, order freezing assets, and order appointing receiver); *SEC v. Cook*, No. 3-99-CV-051-X (N.D. Tex. 1999) (Buchmeyer, J.) (granting *ex parte* temporary restraining order, order freezing assets, and order appointing receiver); *SEC v. Inverworld, Inc.*, No. SA-99-CA-0822-FB (W.D. Tex. 1999) (Biery, J.) (granting order freezing assets and order appointing receiver); *SEC v. Great White Marine and Recreation, Inc.*, No. W-99-CA-230 (W.D. Tex. 1999) (Smith, J.) (granting temporary restraining order); *SEC v. Sunpoint Securities, Inc.*, No. 6-99-CV-667 (E.D. Tex. 1999) (Hannah, J.) (granting *ex parte* temporary restraining order, order freezing assets, and order appointing receiver); *SEC v. American Automation, Inc.*, No. 3-98-CV-1596-D (N.D. Tex. 1998) (Fitzwater, J.) (granting *ex parte* temporary restraining order and order freezing assets); *SEC v. Trinity Gas Corp., et al.*, No. 4:97-cv-01018 (N.D. Tex. 1997) (Means, J.) (granting temporary restraining order, order freezing assets, order for accounting, order prohibiting destruction, order granting expedited discovery, order setting hearing date for preliminary hearing and appointing receiver).

appointing receiver); *SEC v. Inverworld, Inc.*, No. SA-99-CA-0822-FB (W.D. Tex. 1999) (Biery, J.) (granting order freezing assets and order appointing receiver); *SEC v. Great White Marine and Recreation, Inc.*, No. W-99-CA-230 (W.D. Tex. 1999) (Smith, J.) (granting temporary restraining order); *SEC v. Sunpoint Securities, Inc.*, No. 6-99-CV-667 (E.D. Tex. 1999) (Hannah, J.) (granting *ex parte* temporary restraining order, order freezing assets, and order appointing receiver); *SEC v. American Automation, Inc.*, No. 3-98-CV-1596-D (N.D. Tex. 1998) (Fitzwater, J.) (granting *ex parte* temporary restraining order and order freezing assets); *SEC v. Trinity Gas Corp., et al.*, No. 4:97-cv-01018 (N.D. Tex. 1997) (Means, J.) (granting temporary restraining order, order freezing assets, order for accounting, order prohibiting destruction, order granting expedited discovery, order setting hearing date for

staff and I have discovered about the Defendants named herein, I believe that irreparable injury and loss is likely to occur if the Court requires notice and a hearing.

SIGNED this 31st day of July 2011 at Fort Worth, Texas.


Barbara L. Gunn