

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

SECURITIES AND EXCHANGE §  
COMMISSION, §  
§  
PLAINTIFF, §  
§  
vs. §  
§  
BRIAN A. BJORK, THE ESTATE OF JOEL §  
DAVID SALINAS, J. DAVID GROUP OF §  
COMPANIES, INC., J. DAVID §  
FINANCIAL GROUP, LP, SELECT ASSET §  
MANAGEMENT, LLC, SELECT ASSET §  
CAPITAL MANAGEMENT, LLC, SELECT §  
ASSET FUND I, LLC, AND SELECT §  
ASSET PRIME INDEX FUND, LLC, §  
§  
DEFENDANTS. §

CIVIL ACTION NO. 4:11 CV – 02830

**RECEIVER’S REPLY TO DEFENDANTS’ RESPONSE TO RECEIVER’S MOTION TO DISMISS GASAWAY PROPERTIES, LP AND RICHARD C. GASAWAY’S ORIGINAL COMPLAINT WITHOUT PREJUDICE**

TO THE HONORABLE KEITH P. ELLISON, UNITED STATES DISTRICT COURT:

Receiver Steven A. Harr (“Receiver”) herein files his Reply (“Reply”) to Respondents Gasaway Properties, LP and Richard C. Gasaway’s Response (“Response”) to Receiver’s Motion to Dismiss Gasaway Properties, LP and Richard C. Gasaway’s Original Complaint without Prejudice. In support of his Reply, the Receiver respectfully states:

1. Respondents’ position in their Response is that they may file a separate lawsuit (“Lawsuit”) outside of the summary proceeding parameters outlined by the Court. The Receiver contends that maintaining the Lawsuit will drain resources from the Receivership Estate and that the issues plead in the Lawsuit can be efficiently resolved via the summary proceedings ordered

by the Court. As such, there is no need to maintain the Lawsuit since it will only force the Receiver and his Counsel to incur attorneys' fees in defense of the claims asserted in same.

The Receiver prays the Court grants the Receiver's Motion to Dismiss Gasaway Properties, LP and Richard C. Gasaway's Original Complaint without Prejudice.

Respectfully submitted,

/s/ Randy A. Canché

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THE RECEIVER AND HIS COUNSEL

**CERTIFICATE OF SERVICE**

I certify that on September 13, 2012, a copy of the foregoing was served on Millard Johnson of Johnson, DeLuca, Kurisky & Gould, PC, 4 Houston Center, Suite 1000, 1221 Lamar Street, Houston, Texas, 77010, attorney for Respondents Richard C. Gasaway and Gasaway Properties, LP, by certified mail return receipt requested.

/s/ Randy A. Canché

Randy A. Canché