

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

SECURITIES AND EXCHANGE
COMMISSION

Plaintiff,

V.

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 FUND I, LLC, AND
SELECT ASSET PRIME INDEX FUND,
LLC

Defendants.

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CA. NO. 4:11-CV-02830

AGREED MOTION TO EXTEND TIME TO RESPOND TO
RECEIVER'S MOTION FOR JUDGMENT

TO THE HONORABLE KEITH P. ELLISON:

COME NOW, Gasaway Properties, LP ("Gasaway Properties") and Richard C. Gasaway ("Gasaway") (together, the "Gasaway Parties"), and Steven A. Harr, in his capacity as the Court's appointed Receiver in this cause (collectively, the "Parties") and files this, their Agreed Motion To Extend Time to Respond To Receiver's Motion for Judgment, and would show unto the court as follows:

I.

1. On August 1, 2011, the Securities and Exchange Commission ("SEC") filed its Complaint (the "Receivership Action") against Brian A. Bjork, Estate of Joel David Salinas, J. David Group of Companies, Inc., J. David Financial Group LP, Select Asset Management

LLC, Select Capital Management, LLC, Select Asset Fund I, LLC, and Select Asset Prime Index Fund, LLC (collectively, the "Receivership Entities"). On August 1, 2011, Judge Ellison entered an order appointing Steven A. Harr (the "Receiver") as Receiver of the Receivership Entities [Doc. No. 11].

2. On August 21, 2012, the Receiver filed a Motion for Judgment and Brief in Support [Doc. Nos. 93 and 94] against the Gasaway Parties, seeking summary disposition of the Receivership's claims against the Gasaway Parties.

3. Gasaway Parties' response to the Receivers' Motion for Judgment was originally due on September 11, 2012. The Court granted an agreed motion to stay the case and extend the response deadline to December 15, 2012. The Court granted a second extension until December 31, 2012 to facilitate additional settlement discussions.

4. The parties have reached an agreement in principal on the material terms of settlement and need time to finalize settlement details and complete necessary paperwork. The parties anticipate completing the necessary settlement documentation and filing a motion for approval of the settlement with the Court within fifteen (15) days. Therefore, the parties request a brief extension to complete settlement.

5. Counsel agree to an extension up to and including January 15, 2013 for the Gasaway Parties to respond to the Receiver's Motion for Judgment. Therefore, the Parties jointly request the Court extend the deadline to respond to the Receiver's Motion for Judgment until January 15, 2013

3. This Motion is not made for the purposes of delay only but so that justice can be done.

WHEREFORE, PREMISES CONSIDERED, the Parties pray that their Agreed Motion to

Extend Time to Respond to Receiver's Motion for Judgment be granted.

Respectfully submitted,

**JOHNSON DELUCA KURISKY & GOULD**  
A Professional Corporation

By: /s/ Millard A. Johnson

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ATTORNEYS FOR GASAWAY PROPERTIES, LP AND  
RICHARD C. GASAWAY

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By: /s/ Steven A. Harr

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THE RECEIVER AND HIS COUNSEL

**CERTIFICATE OF SERVICE**

I hereby certify that on December 31, 2012, a true and correct copy of the foregoing pleading was served by electronic noticing on those parties entering appearances in the referenced proceeding.

/s/ Millard A. Johnson  
Millard A. Johnson

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Plaintiff, §

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SELECT ASSET FUND I, LLC, AND §  
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LLC §

Defendants. §

**ORDER**

The Agreed Motion to Extend Time to Respond to Receiver’s Motion for Judgment filed by Gasaway Properties, LP, Richard C. Gasaway, and Steven A. Harr, in his capacity as the Court's appointed Receiver in this cause is GRANTED.

It is therefore ORDERED that Gasaway Properties and Richard C. Gasaway’s Response to the Receiver’s Motion for Judgment [Doc. No. 93] shall be filed on or before January 15, 2013.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE