

IN 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-2830

**RECEIVER’S UNOPPOSED SUPPLEMENT TO  
MOTION TO APPROVE CLAIMS DETERMINATIONS**

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

Steven A. Harr, the Receiver (“Receiver”) appointed by the Court in these proceedings, files this *Supplement to Motion to Approve Claims Determinations* (the “Supplement”). In support of the Motion, the Receiver respectfully provides the following:

**I.  
SUPPLEMENT**

1. On May 8, 2015, the Receiver filed his *Unopposed Motion for Claims Determination* (the “Motion”) [Dkt. No. 214]. On May 11, 2015, this Court entered an Order for Response, demanding that Claimant Malkam Dior “file a response of no more than ten pages setting forth his disagreement with the Receiver’s determination, with any supporting documentation attached” on or before Monday, June 1, 2015 (the “Order for Response”) [Dkt. No. 215].

2. To date, Mr. Dior has yet to file any sort of response. However, Mr. Dior has sent the Receiver two separate emails on May 12, 2015 and May 21, 2015, respectively, that appear to be Mr. Dior's "response" to the Court. A true and correct copy of the May 12, 2015 and May 21, 2015 emails are attached hereto as Exhibit "A" and "B," respectively. Of note, no supporting documentation of any kind was attached to the subject emails. While the Receiver is under no affirmative obligation to file Mr. Dior's "response" with the Court, the subject emails are being filed to ensure the Court is able to make an informed and proper decision as to the Motion.

3. The subject emails do not provide any additional data, information, or documentation to support Mr. Dior's claims. As a result, the Receiver believes that the substantive response provided in the Motion remains sufficient for this Court to appropriately rule on the relief sought therein. As such, the Receiver does not intend to file a reply unless this Court specifically requests otherwise.

## **II.** **CONCLUSION**

4. Based on the information and detail provided in the *Receiver's Unopposed Motion for Claims Determination* [Dkt. No. 214], the Order for Response [Dkt. No. 215], and the inadequate "response" provided by Mr. Dior that is attached hereto, the Receiver respectfully requests that the *Receiver's Unopposed Motion for Claims Determination* be granted. Specifically, the Receiver seeks final approval of his decision to deny payment and object to Claim Nos. SAA-00295 and SAA-00296.

DATED: May 22, 2015

Respectfully submitted,

By: /s/ Sameer S. Karim

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Texas Bar No. 09035600

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**ATTORNEY FOR THE RECEIVER**

**OF COUNSEL:**

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**CERTIFICATE OF CONFERENCE**

On May 22, 2015, I conferred with Tim McCole and he stated that the Securities and Exchange Commission is not opposed to the relief sought in this motion.

/s/ Sameer S. Karim

Sameer S. Karim

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was filed electronically with the Clerk via the CM/ECF system and mailed to Claimant's last known address (as included on Claimant's claim forms) via first class mail and certified mail, return receipt requested.

Houston, Texas, this 22nd day of May 2015.

/s/ Sameer S. Karim

Sameer S. Karim

# **EXHIBIT A**

**From:** Dior <[mrmanaridior@aol.com](mailto:mrmanaridior@aol.com)>  
**Date:** May 12, 2015 at 3:41:57 PM CDT  
**To:** <[sharr@munsch.com](mailto:sharr@munsch.com)>  
**Subject:** Case 4:11-cv-02830

Hi,

My name is Malkam Dior and I am asking you to forward this e-mail to the courts for a final decision on claim numbers SAA 00295 and 00296. I submitted all original documents to the office of the receiver and it seem as if the office only received a portion of it. Due to this error the Court is not able to receive all original documents that was submitting by me, for the Judge the make a decision.

The Office of the Receiver have not requested any more information from me on this particular case ([4:11-cv-02830](#)). It has been over 7 months since I have had any contact with the Office of the Receiver to ensure that all documents were received and processed.

I ask the Court(s) to approve my claims due to legal error, in which some or all of the required documents appears to have been lost in transition.

# **EXHIBIT B**

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**From:** realtalkmiami@gmail.com [mailto:realtalkmiami@gmail.com]  
**Sent:** Sunday, November 02, 2014 11:47 AM  
**To:** Harr, Steve; Karim, Sameer  
**Subject:** Case 4:11-cv-02830

Honorable KEITH P. ELLISON  
United States Courthouse  
515 Rusk Avenue  
Houston, Texas 77002

David J Bradley  
Clerk of Court  
P O BOX 61010  
Houston, Texas 77208

Munsch Hardt, KOPF and HARR PC  
700 Milam Street  
Suite 2700 Houston, Texas 77002-2806

CASE No: 4:11-CV-02830

I am respectfully asking the courts to approve my Claims SAA-00295 and SAA-00296. I oppose the receivers determination because I have provided an official contract and bank statements to support my claims...The office of the receiver requested more information, and I resent the only proofs that I had containing, original bank statements with dates and times along with all payment sources via airmail. I have not received any information from the office of the receiver, they are aware of my contact information to contact me if needed. It seems as if my original documents were lost in transition or misplaced by the Office of the Receiver as well as my contact information which is continuously incorrectly entered into the electronic document filing system.

This has gone on long enough. I am exhausted with going back and forth with the Office of the Receiver to a point where it's difficult to remember details. There are so many other things happening in my life right now. I am simply trying to recover funds that were taken

from my account over 5 years ago due to an online scam in which I am a victim. Please assist me in finding proper closure with this matter. I respectfully ask the Court and the Judge to approve my claims due to original documents being lost in transition and or substantial proof and contact information that I provided that was mishandled by the Office of the Receiver, which would have been solid evidence to easily approve all claims.