

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.	§

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 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. The Receiver's Motion for Judgment and brief in support consists of approximately 250 pages of argument, affidavits and exhibits, the majority of which the Gasaway Parties have not previously seen.

3. A response to the Receivers' Motion for Judgment is due on September 11, 2012. However, despite the diligence of the Gasaway Parties and their counsel, the Gasaway Parties have not yet been able to fully evaluate the evidence submitted by the Receiver. Further, the Gasaway Parties are diligently collecting their own accounting records and consulting with an accountant in order to reconcile the accounting information submitted by the Receiver. Additional time is needed to complete both the evaluation of the Receiver's evidence and the search for the necessary accounting records so that the Gasaway Parties may adequately respond to the Receiver's Motion for Judgment.

4. Counsel are in agreement to a thirty (30) day extension to respond to the Receiver's Motion for Judgment.

5. Therefore, the Gasaway Parties request the Court extend the deadline to respond to the Receiver's Motion for Judgments until October 11, 2012

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

WHEREFORE, PREMISES CONSIDERED, the Gasaway Parties pray that their Motion to Extend Time to Respond to Receiver's Motion for Judgment be granted, and for such other and

further relief to which they show themselves entitled.

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

AGREED TO:

/s/Steven Harr
Steven Harr,
Receiver

CERTIFICATE OF CONFERENCE

I hereby certify that on September 5, 2012 the undersigned spoke with the Receiver, Steven A. Harr, and the Receiver is unopposed and agrees with the relief sought herein.

By: /s/ Millard A. Johnson
Millard A. Johnson

CERTIFICATE OF SERVICE

I hereby certify that on September 6, 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