

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;	§ Civil Action No.: 4:11-cv-2830
J. DAVID GROUP OF COMPANIES, INC.	§ ECF
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.	§
	§

**AGREED ORDER OF PRELIMINARY INJUNCTION AS TO  
DEFENDANT SELECT CAPITAL MANAGEMENT, LLC**

This matter came before me, the undersigned United States District Judge, on the unopposed motion of Plaintiff Securities and Exchange Commission ("Commission") for issuance of a preliminary injunction against Defendant Select Asset Management, LLC ("Defendant"). Defendant has agreed to the entry of this Agreed Order of Preliminary Injunction ("Order"), without admitting or denying the allegations contained in the Complaint in this case; has agreed that this Court has jurisdiction over Defendant and over the subject matter of this action; and has agreed to waive a hearing and the entry of findings of fact and conclusions of law. Based on the pleadings and documents filed in this case and the agreement of the parties,

**IT IS THEREFORE ORDERED:**

**I.**

Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active

concert or participation with them who receive actual notice of this Order by personal service or otherwise, are restrained and enjoined from aiding and abetting violations of Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)] by knowingly providing substantial assistance to any person who, in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) employs any device, scheme, or artifice to defraud;
- (b) obtains money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
- (a) engages in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

## II.

Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise are restrained and enjoined from aiding and abetting violations of Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5] by knowingly providing substantial assistance to any person who, by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) employs any device, scheme, or artifice to defraud;
- (b) makes any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or

- (c) engages in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

### III.

Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise are restrained and enjoined from, directly or indirectly, controlling any person who violates Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person;

unless Defendant acts in good faith and does not directly or indirectly induce the act or acts constituting the violation.

### IV.

Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise are restrained and enjoined from and violating Sections 206(1) and 206(2) of the Investment Advisers [15 U.S.C. § 80b-6(1) and (2)] by using the mails or any means or

instrumentality of interstate commerce, directly or indirectly:

- (1) to employ any device, scheme, or artifice to defraud any client or prospective client;
- or
- (2) to engage in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or prospective client.

This Order will remain in effect throughout the pendency of this case or until otherwise ordered by the Court.

Dated: 12 August 2011

  
UNITED STATES DISTRICT JUDGE

Approved as to form, entry requested:

**s/Steven A. Harr**

Steven A. Harr, Receiver  
On Behalf of Defendant