

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

2015 DEC 23 AM 11:48

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: [Signature]

THOMAS L. TAYLOR III, solely in his
capacity as Court-appointed Receiver for
Robert A. Helms, *et al.*,
Plaintiff,

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v.

Civil Action No. 15-cv-627-LY

MICHAEL SAMOUCÉ, MARK KYLE and
APPLIED QUANTITATIVE SOLUTIONS,
LLC,
Defendants.

**DEFAULT JUDGMENT
AGAINST DEFENDANT MARK KYLE**

This case is before the Court on Plaintiff and Court-appointed Receiver Thomas L. Taylor III's (the "Receiver")¹ Motion for Entry of Default Judgments ("Motion") [Dkt. # 17], seeking default judgments against Defendants Mark Kyle ("Kyle") and Applied Quantitative Solutions, LLC ("AQS"). The Clerk of the Court for the Western District of Texas entered the defaults of Defendants Kyle and AQS on September 23, 2015. Dkts. #13, 14.

At this time, the Receiver seeks default judgment against Defendant Kyle in the amount of \$458,118.28 plus pre-judgment interest of \$16.71 per day from September 23, 2014 until the date of this default judgment; plus pre-judgment interest of \$46.04 per day from November 15,

¹ Taylor was appointed as receiver for Robert Helms, Janniece Kaelin, Deven Sellers, Roland Barrera, Vendetta Royalty Partners, Ltd., Vendetta Royalty Management, LLC, Vesta Royalty Partners, LP, Vesta Royalty Management, LLC, Iron Rock Royalty Partners, LP, Iron Rock Royalty Management, LLC, Arcady Resources, LLC, Barefoot Minerals, GP, G3 Minerals, LLC, Haley Oil Company, Inc., Lake Rock, LLC, SeBud Minerals, LLC, Technicolor Minerals GP, and any entities they own or control by Order of this Court in the related action styled *SEC v. Helms, et al.*, No. 1:13-cv-1036-ML (W.D. Tex. 2013) [Enforcement Action Dkts. # 11, 76].

2014 until the date of this default judgment; plus post-judgment interest pursuant to 28 U.S.C. § 1961.

The Receiver's Motion was properly served on Kyle on October 27, 2015. Having considered all matters of record, the arguments of counsel, all responses and replies, if any, and the applicable legal authorities, it is hereby

ORDERED, ADJUDGED, and DECREED that the Receiver's Motion [Doc. # 17] is **GRANTED** in all respects. It is further


ORDERED, ADJUDGED, and DECREED that default judgment is hereby rendered in favor of the Receiver and against Defendant Kyle in the amount of \$ 484,178.13 (the "Judgment Amount"), consisting of \$458,118.28, plus \$ 25,989.85 in accrued pre-judgment interest through the date of this Default Judgment. It is further

ORDERED, ADJUDGED, and DECREED that post-judgment interest shall accrue at the rate of 0.69 % per annum, in accordance with 28 U.S.C. § 1961, from the date of entry of this Default Judgment until the Judgment Amount and all accrued interest are paid in full by Defendant Kyle to the Receiver. It is further

ORDERED, ADJUDGED, and DECREED that the Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Default Judgment.

There being no just reason for delay in the entry of this Default Judgment, the Court hereby directs the clerk to enter judgment as to Defendant Kyle pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

SIGNED at Austin, Texas this 23rd day of Dec, 2015.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE