

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

THOMAS L. TAYLOR III, solely in his capacity as	§	
Court-appointed Receiver for Robert A. Helms, et al.,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 1:15-cv-648-LY
	§	
GRADY H. VAUGHN III,	§	
<i>Defendant.</i>	§	

**UNOPPOSED MOTION TO DISMISS WITH PREJUDICE FOUR REMAINING CAUSES OF ACTION
AGAINST DEFENDANT AND FOR ENTRY OF FINAL JUDGMENT**

Plaintiff Thomas L. Taylor III (“Receiver”), Court-appointed receiver, submits this Unopposed Motion to dismiss with prejudice the four causes of action remaining against Defendant Grady H. Vaughn III (“Defendant”) following entry of the August 31, 2016 interlocutory Order (“Order”) (Dkt. 30) granting the Receiver’s Motion for Partial Summary Judgment (Dkt. 7). The Receiver further moves the Court to enter a Final Judgment in accordance with the Order. The Receiver would respectfully show the Court as follows:

1. The Receiver asserted six causes of action against Defendant in his Complaint, Counts I through VI. Dkt. 1.
2. The Receiver moved for summary judgment with respect to Causes of Action Counts I and II. Dkt. 7. This Court entered an interlocutory Order granting summary judgment on these two Causes of Action on August 31, 2016. Dkt. 30.
3. Causes of Action Counts III – VI remain pending before the Court.

**RECEIVER’S MOTION TO DISMISS REMAINING CAUSES OF ACTION AND
FOR ENTRY OF FINAL JUDGMENT**

4. The Receiver has determined, under the circumstances of this case, not to pursue additional judicial remedies against the Defendant given the entry of partial summary judgment by the Court on Causes of Action Counts I and II.

5. The Receiver requests that the Court dismiss with prejudice the four remaining Causes of Action Counts III – VI.

6. Dismissal of the remaining four Causes of Action against Defendant will resolve this Civil Action. Accordingly, the Receiver requests that the Court enter a Final Judgment on Causes of Action Counts I and II in favor of the Receiver in accordance with its Order granting partial summary judgment. Dkt. 30.

7. The Receiver has conferred with counsel for Defendant, who does not oppose the relief sought herein.

Dated: October 20, 2016

Respectfully submitted,

THE TAYLOR LAW OFFICES, P.C.

By: /s/ Andrew M. Goforth

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COUNSEL FOR RECEIVER

CERTIFICATE OF CONFERENCE

I certify that I have conferred with counsel for Defendant, who does not oppose the relief sought herein.

/s/ Andrew M. Goforth
Andrew M. Goforth

CERTIFICATE OF SERVICE

On October 20, 2016 I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Western District of Texas, using the CM/ECF electronic filing system. All counsel of record have been served electronically via CM/ECF notice.

/s/ Andrew M. Goforth
Andrew M. Goforth

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

v.

GRADY H. VAUGHN III,
Defendant.

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Civil Action No. 1:15-cv-648-LY

**ORDER GRANTING RECEIVER’S UNOPPOSED MOTION TO DISMISS WITH
PREJUDICE FOUR REMAINING CAUSES OF ACTION AGAINST DEFENDANT AND
FOR ENTRY OF FINAL JUDGMENT**

Before the Court is the Receiver’s Unopposed Motion to dismiss with prejudice the four remaining Causes of Action (Counts III – VI) asserted by the Receiver against Defendant Grady H. Vaughn III (“Defendant”) and to enter Final Judgment against Defendant upon Counts I and II in accordance with this Court’s interlocutory Order granting partial summary judgment (Dkt. 30). Dkt. _____ (the “Motion”). Having considered the record, the Receiver’s Motion, and all evidence presented to the Court and the arguments of counsel, the Court is of the opinion that the Motion should be GRANTED in all respects.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Receiver’s Motion is GRANTED. The Receiver’s Causes of Action Counts III – VI asserted against Defendant (Dkt. 1) are hereby DISMISSED with prejudice.

There being no further matters before the court in this cause, the Court will hereinafter enter Final Judgment pursuant to Federal Rule of Civil Procedure 58 upon Counts I and II in accordance with this Court’s interlocutory Order granting partial summary judgment (Dkt. 30).

Signed this _____ day of _____, 2016.

LEE YEAHEL
UNITED STATES DISTRICT JUDGE

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

v.

GRADY H. VAUGHN III,
Defendant.

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Civil Action No. 1:15-cv-648-LY

**FINAL JUDGMENT
AGAINST DEFENDANT GRADY H. VAUGHN III**

WHEREAS Plaintiff Thomas L. Taylor III, Court-appointed receiver (the “Receiver”), commenced this civil action against Defendant Grady H. Vaughn III (“Defendant”), asserting six Causes of Action (Counts I – VI) (Dkt. 1); and

WHEREAS this Court entered an interlocutory Order (Dkt. 30) granting the Receiver’s Motion for Partial Summary Judgment (Dkt. 7) with respect to Causes of Action Counts I and II; and

WHEREAS this Court entered an Order granting the Receiver’s Unopposed Motion to dismiss with prejudice the four remaining Causes of Action asserted against Defendant (Counts III – VI) and to enter Final Judgment against Defendant upon Counts I and II (Dkt. _____).

There being no further matters before the court in this cause, the court renders the following Final Judgment pursuant to Federal Rule of Civil Procedure 58.

JUDGMENT IS HEREBY RENDERED in accordance with the previous interlocutory Order of this Court (Dkt. 30). Judgment is rendered in favor of the Receiver on his claims of

fraudulent transfer under the Texas Uniform Fraudulent Transfer Act § 24.005(a)(1) and unjust enrichment (Causes of Action Counts I and II, respectively) against Defendant Grady H. Vaughn in the amount of \$_____ (the “Judgment Amount”), consisting of \$442,254.35 in damages, plus \$_____ in pre-judgment interest, accrued at \$60.58 per day (5% per year)¹ beginning on December 15, 2014 through the date of this judgment. Post-judgment interest shall accrue in accordance with 28 U.S.C. §1961 from the date below on the outstanding Judgment Amount until this judgment is paid in full by Defendant to the Receiver.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Judgment.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the case is hereby CLOSED.

Signed this _____ day of _____, 2016.

LEE YEAKEL
UNITED STATES DISTRICT JUDGE

¹ $442,254.35 \times 0.05 / 365 = 60.5827$.