

**United States Court of Appeals**  
FIFTH CIRCUIT  
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November 19, 2012

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No. 12-20633, SEC v. Albert Kaleta  
USDC No. 4:09-CV-3674

We have docketed the appeal as shown above, and ask you to use the case number in future inquiries. You can obtain a copy of our briefing checklist on the Fifth Circuit's Website "[www.ca5.uscourts.gov/clerk/docs/brchecklist.pdf](http://www.ca5.uscourts.gov/clerk/docs/brchecklist.pdf)".

**Briefing Notice.** The record is complete for purposes of the appeal, see FED. R. APP. P. 12. Appellant's brief and record excerpts are due within 40 days of the date shown above, see FED. R. APP. P. & 5<sup>TH</sup> CIR. R. 28, 30, and 31. See also 5<sup>TH</sup> CIR. R. 30.1.2 and 5<sup>TH</sup> CIR. R. 31.1 to determine if you have to file electronic copies of the brief and record excerpts. [If required, **electronic copies MUST be in Portable Document Format (PDF).**]

**Policy on Extensions.** The court grants extensions sparingly and under the criteria of 5<sup>TH</sup> CIR. R. 31.4. You must contact opposing counsel and tell us if the extension is opposed or not. 5<sup>TH</sup> CIR. R. 31.4 and the Internal Operating Procedures following rules 27 and 31 state that except in the most extraordinary circumstances, the maximum extension for filing briefs is 30 days in criminal cases and 40 days in civil cases.

**Reply Brief.** We do not send cases to the court until all briefs are filed, except in criminal appeals. Reply briefs must be filed within the 14 day period of FED. R. APP. P. 31(a)(1). See 5<sup>TH</sup> CIR. R. 31.1 to determine if you have to file electronic copies of the brief, and the format.

**Brief Covers.** THE CASE CAPTION(S) ON BRIEF COVERS MUST BE EXACTLY THE SAME AS THE CASE CAPTION(S) ON THE ENCLOSED TITLE

CAPTION SHEET(S). **YOU WILL HAVE TO CORRECT ANY MODIFICATIONS YOU MAKE TO THE CAPTION(S) BEFORE WE SUBMIT YOUR BRIEF TO THE COURT.**

Dismissal of Appeals. The clerk may dismiss appeals **without notice** if you do not file a brief on time.

Appearance Form. If you have not electronically filed a "Form for Appearance of Counsel" as required by 5<sup>TH</sup> CIR. R. 46, you must do so within 14 days from this date. You must name each party you represent, See FED. R. APP. P. 12(b) and 5<sup>TH</sup> CIR. R. 12. The form is available from the Fifth Circuit web site, [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov). If you fail to electronically file the form we will remove your name from the docket. Pro se parties do not need to file an appearance form.


To receive the record for preparing your brief, counsel, including CJA attorneys, must provide the appropriate district court with a United Parcel Service, or similar commercial delivery service, account number. If you wish to receive exhibits, you must specifically request them. The district court will charge your account for shipping you the record on appeal. In the alternative, you may contact a local courier or attorney support services firm to pick up the record and ship it to you. CJA counsel may add these shipping fees to their vouchers.

**Once you obtain the record, you should check it within 14 days of receipt for any missing or incomplete items. If you need to request a supplemental record or order transcripts, do so promptly. The court will not grant extensions of time to file your brief because you did not timely check the record.**

Pro se litigants may request the record from the district court to prepare your brief. Those proceeding in forma pauperis may receive the record without payment of shipping costs. Others will be asked to pay these costs which average less than \$10.00.

Sincerely,

LYLE W. CAYCE, Clerk

By:   
Amanda Sutton-Foy, Deputy Clerk  
504-310-7670

Enclosure(s)

cc w/encl:  
Mr. Daniel K. Hedges  
Mr. Thomas L. Taylor III

Case No. 12-20633

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff

v.

ALBERT FASE KALETA,

Defendant

RONALD ELLISOR; LAVONNE ELLISOR; RICHARD KADLICK; SAILAJA URI  
KONDURI; ROBERT FICKS; ET AL,

Appellants

v.

THOMAS L. TAYLOR, III, the receiver for Kaleta Capital  
Management, Inc.; BUSINESSRADIO NETWORK, L.P., doing business as  
BizRadio, doing business as Daniel Frishberg Financial Services,  
Inc., doing business as DFFS Capital Management Inc. and all of  
the entities they own or control; COSTA BAJJALI; WALLACE BAJJALI  
DEVELOPMENT PARTNERS, L.P.; WEST HOUSTON WB REALTY FUND, L.P.;  
LAFFER FRISHBERG WALLACE ECONOMIC OPPORTUNITY FUND, L.P.; WALLACE  
BAJJALI INVESTMENT FUND II, L.P.; SPRING CYPRESS INVESTMENTS,  
L.P.,

Appellees