

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Thomas L. Taylor III, solely in his	§	
capacity as Court-appointed Receiver for	§	
Kaleta Capital Management, Inc., <i>et al.</i> ,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 4:15-cv-272
	§	
David G. Wallace, Costa Bajjali, Laffer	§	
Frishberg Wallace Economic Opportunity	§	
Fund, L.P. d/b/a LFW Economic	§	
Opportunity Fund, and West Houston	§	
WB Realty Fund, L.P.,	§	
	§	
<i>Defendants.</i>	§	

**RECEIVER’S REQUEST FOR ENTRY OF DEFAULT AS TO DEFENDANT
LAFFER FRISHBERG WALLACE ECONOMIC OPPORTUNITY FUND, L.P.**

Plaintiff Thomas L. Taylor III (the “Receiver”), solely in his capacity as Court-appointed Receiver in the civil action styled *SEC v. Kaleta, et al.*, Civil Action No. 4:09-cv-3674 (S.D. Tex. 2009) (the “Enforcement Action”), respectfully requests pursuant to FED. R. CIV. P. 55 that the Clerk of the Court enter the default of Defendant Laffer Frishberg Wallace Economic Opportunity Fund, L.P. d/b/a LFW Economic Opportunity Fund (“Defendant”), for its failure to plead or otherwise defend in this case. In support of this request, the Receiver would show the following:

1. As set forth in the attached Declaration of Andrew M. Goforth (**Exhibit A**), the Defendant was served with the Complaint and Summons in this case on February 2,

2015. Goforth Decl. ¶3. The executed service of the Summons and Complaint upon Defendant was filed with the Court on February 23, 2015. Doc. # 10.

2. Defendant has not filed an answer to the Complaint or otherwise defended in this civil action. Goforth Decl. ¶4.

3. Defendant is not an infant, nor incompetent. *Id.* at ¶5. Defendant is not eligible for relief under the Servicemembers Civil Relief Act of 2003 [50 U.S.C. Appendix, § 501 *et seq.*]. *Id.*

WHEREFORE, premises considered, the Receiver requests that the Clerk of this Court enter default against Defendant Laffer Frishberg Wallace Economic Opportunity Fund, L.P. d/b/a LFW Economic Opportunity Fund.

Dated: February 24, 2015

Respectfully submitted,

THE TAYLOR LAW OFFICES, P.C.

By: /s/ Andrew M. Goforth

Andrew M. Goforth
Texas State Bar: 24076405
goforth@iltaylorlaw.com

4550 Post Oak Place Drive, Suite 241
Houston, Texas 77027
Tel: (713) 626-5300
Fax: (713) 402-6154

COUNSEL FOR RECEIVER

CERTIFICATE OF SERVICE

On February 24, 2015, I served the foregoing document on all parties as listed below by U.S. Mail, Return Receipt Requested, pursuant to Federal Rule of Civil Procedure 5(b)(2)(C).

Via U.S. Mail, Return Receipt Requested:

David G. Wallace

1634 Brookstone Ln.
Sugar Land, TX 77479

Costa Bajjali

2911 Waters Lake Ln.
Missouri City, TX 77459

Laffer Frishberg Wallace Economic Opportunity Fund, L.P. d/b/a LFW Economic Opportunity Fund

c/o David G. Wallace, registered agent
1634 Brookstone Ln.
Sugar Land, TX 77479

West Houston WB Realty Fund, L.P.

c/o David G. Wallace, registered agent
1634 Brookstone Ln.
Sugar Land, TX 77479

/s/ Andrew M. Goforth
Andrew M. Goforth

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Thomas L. Taylor III, solely in his
capacity as Court-appointed Receiver for
Kaleta Capital Management, Inc., *et al.*,

Plaintiff,

v.

David G. Wallace, Costa Bajjali, Laffer
Frishberg Wallace Economic Opportunity
Fund, L.P. d/b/a LFW Economic
Opportunity Fund, and West Houston
WB Realty Fund, L.P.,

Defendants.

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Civil Action No. 4:15-cv-272

**DECLARATION OF ANDREW M. GOFORTH IN SUPPORT OF RECEIVER'S
REQUEST FOR ENTRY OF DEFAULT AS TO DEFENDANT
LAFFER FRISHBERG WALLACE ECONOMIC OPPORTUNITY FUND, L.P.
D/B/A LFW ECONOMIC OPPORTUNITY FUND**

I, Andrew M. Goforth, do hereby declare under penalty of perjury, in accordance with 28 U.S.C. §1746, that the following is true and correct, that this declaration is made on my personal knowledge, and that I am competent to testify as to the matters stated herein:

1. I am the attorney of record for the Plaintiff Thomas L. Taylor III (“Receiver”) in the above-captioned civil action, and I submit this declaration in support of the Receiver’s Request for Clerk’s Entry of Default as to Defendant Laffer Frishberg

Wallace Economic Opportunity Fund, L.P. d/b/a LFW Economic Opportunity Fund (“Defendant”).

2. The Receiver filed a Complaint against Defendant on January 29, 2015, seeking a judgment against Defendant for damages caused by Defendant’s breaches of two contracts. Doc. # 1.

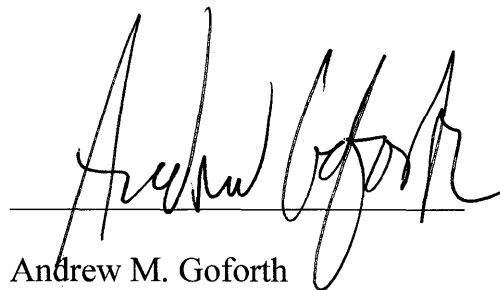
3. Defendant was served with the Summons and Complaint on February 2, 2015. Doc. # 10. The executed service of Summons and Complaint was filed with this Court on February 23, 2015. *Id.*

4. Defendant has not filed an answer to the Complaint or otherwise defended in this civil action.

5. Defendant is not an infant, nor incompetent. Defendant is not eligible for relief under the Servicemembers Civil Relief Act of 2003 [50 U.S.C. Appendix, §501 *et seq.*].

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 24, 2014



Andrew M. Goforth
Counsel for Plaintiff
Receiver Thomas L. Taylor III