



**B. The allegations in the Affidavit are conclusory.**

In her Affidavit, Reeves-Stanford claims that she “ha[s] not transacted business . . . in the State of Texas since 1982;” that she “do[es] not have any minimum contacts with the State of Texas whatsoever;” and that she has “[n]ever availed [her]self of any of the protections of the State of Texas.” (Affidavit ¶¶ 2–3) These conclusory allegations, which merely state legal conclusions without giving the Court any actual facts to weigh, are not competent evidence. *Galindo v. Precision American Corp.*, 754 F.2d 1212, 1216 (5th Cir. 1985) (holding that “affidavits setting forth ultimate or conclusory facts and conclusions of law are insufficient”); *In re Hunt*, 136 B.R. 437, 452 n. 23 (Bankr. N.D. Tex. 1991) (holding that motion to dismiss was “insufficient in as much as the motion and evidence submitted are conclusory with only a two-page, self-serving affidavit in support thereof”); *Jackson v. Texas A&M Univ. Sys.*, 975 F. Supp. 943, 949 (S.D. Tex. 1996) (holding that “conclusory allegation in . . . affidavit in opposition to Defendants’ Motion to Dismiss is insufficient”).

**C. The allegations in the Affidavit are not relevant to any issue in this case.**

Even if the conclusory allegations in the Affidavit were sufficient to constitute evidence in a typical dispute over personal jurisdiction, they are irrelevant here where Reeves-Stanford’s contacts with Texas are not at issue. As discussed more fully in the Receiver’s Response to the Motion to Dismiss, the personal jurisdiction of a federal receivership court is not governed by traditional minimum contacts analysis. (Dkt. 8 at 7–11) The Receiver’s compliance with 28 U.S.C. §§ 754 and 1692 give this Court jurisdiction over Reeves, who does not dispute she resides within the Southern District of Florida. This action may proceed against Reeves-Stanford

in the Northern District of Texas despite her claimed lack of contacts with this forum.<sup>1</sup> The Affidavit is therefore irrelevant, and inadmissible. *See* FED. R. EVID. 402.

### CONCLUSION

For the foregoing reasons, the Receiver asks the Court to grant this Motion and strike Reeves-Stanford's Affidavit.

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<sup>1</sup> *See, e.g., Warfield v. Edwards*, No. 3:01-CV-480, 2001 WL 803791, at \*2-\*3 (N.D. Tex. July 11, 2001) (suit brought by receiver in the N.D. Tex. against relief defendants from Nevada could proceed in the N.D. Tex. because receiver filed papers in the D. Nev. in compliance with 28 U.S.C § 754 ); *Warfield v. Arpe*, No. 3:05-CV-1457, 2007 WL 549467, at \*10-12 (N.D. Tex. Feb. 22, 2007) (suit brought by receiver in the N.D. Tex. against defendants from Idaho could proceed in the N.D. Tex. because receiver filed papers in the D. Idaho in compliance with 28 U.S.C § 754); *Quilling v. Stark*, No. 3:05-CV-1976, 2006 WL 1683442, at \*3-4 (N.D. Tex. June 19, 2006) (suit brought by receiver in the N.D. Tex. against relief defendants from central California could proceed in the N.D. Tex. because receiver filed papers in the C.D. Cal. in compliance with 28 U.S.C. § 754).

Dated: January 20, 2010

Respectfully submitted,

BAKER BOTTS L.L.P.

By: /s/ Kevin M. Sadler

Kevin M. Sadler  
Texas Bar No. 17512450  
kevin.sadler@bakerbotts.com  
Robert I. Howell  
Texas Bar No. 10107300  
robert.howell@bakerbotts.com  
David T. Arlington  
Texas Bar No. 00790238  
david.arlington@bakerbotts.com  
1500 San Jacinto Center  
98 San Jacinto Blvd.  
Austin, Texas 78701-4039  
(512) 322-2500  
(512) 322-2501 (Facsimile)

Timothy S. Durst  
Texas Bar No. 00786924  
tim.durst@bakerbotts.com  
2001 Ross Avenue  
Dallas, Texas 75201  
(214) 953-6500  
(214) 953-6503 (Facsimile)

**ATTORNEYS FOR RECEIVER  
RALPH S. JANVEY**

### **CERTIFICATE OF CONFERENCE**

I hereby certify that I have complied with the meet-and-confer requirements of Local Rule CV-7.1(b). On January 19, 2010, I exchanged email with Vanessa Prieto, an attorney for Ms. Reeves-Stanford. While Ms. Prieto declined to state a final position on the Motion, she did indicate she was opposed to the relief sought in this Motion.

/s/ Samuel Cooper  
Samuel Cooper

**CERTIFICATE OF SERVICE**

On January 20, 2010, I electronically submitted the foregoing document with the clerk of the court of the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court.

/s/ Kevin M. Sadler

Kevin M. Sadler