

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

RALPH S. JANVEY, IN HIS CAPACITY AS §  
COURT-APPOINTED RECEIVER FOR THE §  
STANFORD INTERNATIONAL BANK, LTD., §  
ET AL., §

Plaintiff, §

Case No. 03:10-CV-0366

v. §

MIGUEL VENGER, ET AL., §

Defendants. §

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**RECEIVER’S MOTION TO DISMISS AND ORIGINAL ANSWER TO  
THE BUNDICK, STRENGTH, TUCKER, AND WATTS COUNTERCLAIMS**

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The Receiver, Ralph S. Janvey, (the “Receiver”) hereby submits this Motion to Dismiss and Original Answer to Shannon S. Bundick’s, Joseph W. Strength’s, Eric and Jennifer Tucker’s, and Thurston and Cheryl B. Watts’s (the “Stanford Investors”) Counterclaims,<sup>1</sup> stating as follows:

**MOTION TO DISMISS**

1. The Stanford Investors have failed to state a claim upon which relief can be granted. As a result, their conversion counterclaims against the Receiver should be dismissed under Federal Rule of Civil Procedure 12(b)(6). As explained in further detail in the concurrently filed Brief in Support of Motion to Dismiss, the Receiver cannot be held liable for his conduct because he acted pursuant to court orders and with judicial immunity.

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<sup>1</sup> In the interest of judicial economy, and to avoid duplicative filings, the Receiver responds to the Stanford Investors’ conversion counterclaims in this combined Answer and Motion to Dismiss. The Stanford Investors’ conversion counterclaims are located in Doc. 23 at ¶ 25; Doc. 24 at ¶ 25; Doc. 25 at ¶ 25; and Doc. 27 at ¶ 25.

**ANSWER**

2. In response to the Stanford Investors' conversion counterclaims,<sup>2</sup> the Receiver admits that the Stanford Investors' accounts were frozen by this Court. The Receiver denies all remaining counterclaim allegations.

**AFFIRMATIVE DEFENSES**

3. In response to the Stanford Investors' conversion counterclaims, the Receiver affirmatively asserts that the Stanford Investors have failed to state claims or causes of action upon which relief can be granted.

4. Moreover, the Receiver affirmatively asserts that his claims against the Stanford Investors exceed in amount the Stanford Investors' claimed damages. As such, any amount this Court may find the Receiver owes the Stanford Investors should be set off by the Receiver's claims against the Stanford Investors.

5. Further, the Receiver affirmatively asserts that, because he was acting pursuant to court orders, he cannot be held liable for conversion.

6. In addition, the Receiver affirmatively asserts that he was acting within the scope of the authority granted to him by this Court, that he is entitled to absolute judicial immunity from suit, and that the Stanford Investors have failed to allege the absence of judicial immunity.

**PRAYER**

The Receiver respectfully requests that the Court enter judgment that Shannon S. Bundick, Joseph W. Strength, Eric and Jennifer Tucker, and Thurston and Cheryl B. Watts take

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<sup>2</sup> See Doc. 23 at ¶ 25; Doc. 24 at ¶ 25; Doc. 25 at ¶ 25; and Doc. 27 at ¶ 25. The Receiver's Answer to the Stanford Investors' conversion counterclaims is subject to the Motion to Dismiss (*supra* ¶ 1) and the Brief in support of Motion to Dismiss. By filing this Answer, the Receiver does not intend to waive his arguments in the Motion or the Brief.

nothing, dismiss the Stanford Investors' Counterclaims with prejudice, and award the Receiver such other and further relief the Court deems proper under the circumstances.

Dated: June 3, 2010

Respectfully submitted,

**BAKER BOTTS L.L.P.**

By: /s/ Kevin M. Sadler

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**ATTORNEYS FOR RECEIVER RALPH S. JANVEY**

**CERTIFICATE OF SERVICE**

On June 3, 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. I hereby certify that I have served the Court-appointed Examiner, all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Kevin M. Sadler

Kevin M. Sadler