

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.,	)	
	)	Case No. 03:09-CV-0724-N
Plaintiff,	)	
	)	
v.	)	
	)	
JAMES R. ALGUIRE, ET AL.,	)	
	)	
Defendants.	)	

MOTION OF DEFENDANTS BLANCA FERNANDEZ, STEVE SLEWITZKE,  
JULIAN “BRAD” BRADHAM, LOU SCHAUFELE, VIRGIL HARRIS, HARVEY  
SCHWARTZ, ERIC URENA, NANCY HUGGINS, AND NOLAN FARHY TO  
DISMISS AND TO COMPEL ARBITRATION

COME NOW, Blanca Fernandez, Steve Slewitzke, Julian “Brad” Bradham, Lou Schaufele, Virgil Harris, Harvey Schwartz, Eric Urena, Nancy Huggins, and Nolan Farhy (the “Nine Defendants”), through undersigned counsel, and move to dismiss the Receiver’s Second Amended Complaint Against Former Stanford Employees (the “Complaint”) dated December 18, 2009 pursuant to Federal Rules of Civil Procedure 12(b)(3) and (6).<sup>1</sup> The Receiver fails to state claims against the Nine Defendants upon which relief can be granted by this Court. Specifically, the claims asserted in the Complaint are subject to and fall under valid mandatory arbitration clauses, or are otherwise subject to arbitration per FINRA rules. Further, venue for the claims asserted is improper here where the parties have formally agreed to arbitrate the claims in a foreign venue.

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<sup>1</sup> Movants reserve any and all other Rule 12(b) motions at this time. Issues relating to the merits (or lack thereof) of the Receiver's claims should be decided by arbitration.

WHEREFORE, the Nine Defendants respectfully request that this Court dismiss the claims against them as set forth in the Complaint, that the Receiver be compelled to arbitrate the aforementioned claims against the Nine Defendants in the appropriate venue, for an award of the Nine Defendants' attorneys' fees associated with this motion, and for all other relief that this Court deems just and proper.

This 15<sup>th</sup> day of January 2010,

Respectfully submitted

s/ Jason W. Graham

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s/ Robert L. Wright

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of January, 2010, I electronically filed the foregoing Brief In Support Of Motion Of Defendants Julian “Brad” Bradham, Nolan Farhy, Blanca Fernandez, Virgil Harris, Nancy Huggins, Lou Schaufele, Harvey Schwartz, Steve Slewitzke, and Eric Urena To Dismiss And To Compel Arbitration with the clerk of the court for the U. S. District Court, Northern District of Texas, using the electronic case filing system of the Court.

s/ Robert L. Wright

Robert L. Wright