

**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,

v.

JAMES R. ALGUIRE, ET AL.,

Defendants.

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CASE NO. 3:09-CV-0724-N

**RECEIVER’S MOTION FOR LEAVE TO FILE A SUPPLEMENTAL COMPLAINT
AGAINST FORMER STANFORD EMPLOYEES AND BRIEF IN SUPPORT**

Receiver Ralph S. Janvey (the “Receiver”) files this Motion for Leave to File a Supplemental Complaint Against Former Stanford Employees and Brief in Support and respectfully shows the Court as follows:

ARGUMENTS & AUTHORITIES

On December 18, 2009, the Receiver filed a Second Amended Complaint Against Former Stanford Employees (Doc. 156) and an Appendix in support thereof (Doc. 157) (collectively, the “Second Amended Complaint”). In his Second Amended Complaint, the Receiver named 329 Former Stanford Employees as defendants and asserted fraudulent-transfer and, in the alternative, unjust-enrichment claims against them. In total, the Receiver sought the return of over \$215 million in CD Proceeds — comprising Loans, SIBL CD Commissions, SIBL Quarterly Bonuses, Performance Appreciation Rights Plan (“PARS”) Payments, Branch Managing Director Quarterly Compensation, and Severance Payments — from the 329 Former Stanford Employees.

After filing the Second Amended Complaint, the Receiver discovered through his continuing investigation that 99 of the 329 previously named Former Stanford Employees collectively received over \$51 million in Proceeds from SIBL CDs in which they invested. Moreover, 26 of these 99 Former Stanford Employees received Proceeds in excess of their investments, for a combined total of over \$1 million. Pursuant to Federal Rule of Civil Procedure 15(d), the Receiver requests that the Court grant him leave to supplement his Second Amended Complaint, so that he may recover the additional Proceeds these 99 Former Stanford Employees received from their SIBL CDs and return such Proceeds to the Receivership Estate.

In particular, the Receiver seeks permission to file the Supplemental Complaint Against Former Stanford Employees and Appendix in support thereof (collectively, the “Supplemental Complaint”) attached hereto as Exhibit 1. The Supplemental Complaint does not add any new parties or any new claims to this lawsuit; instead, it merely supplements the existing fraudulent-transfer and unjust-enrichment claims the Receiver asserted in his Second Amended Complaint with facts that the Receiver — in the course of his ongoing investigation of Stanford’s wide-ranging, multi-national Ponzi scheme — discovered after filing the Second Amended Complaint. In light of these new facts, filing a supplemental complaint is appropriate. FED. R. CIV. P. 15(d); *see also U.S. v. Hicks*, 283 F.3d 380, 386 (D.C. Cir. 2002) (“The purposes to which [Rule 15(d)] is typically put support the conclusion that the appropriate bases for supplemental pleadings are new facts bearing on the relationship between the parties Rule 15(d) is used to set forth new facts that update the original pleading or provide the basis for additional relief[.]”) As a result, the Court should grant the Receiver’s motion for leave to file the Supplemental Complaint.

CONCLUSION & PRAYER

For the foregoing reasons, the Receiver respectfully requests that the Court grant this Motion for Leave to File a Supplemental Complaint Against Former Stanford Employees and grant the Receiver any such and further relief to which he may be entitled.

Dated: March 5, 2010

Respectfully submitted,

BAKER BOTTS L.L.P.

By: /s/ David T. Arlington

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**ATTORNEYS FOR RECEIVER
RALPH S. JANVEY**

CERTIFICATE OF SERVICE

On March 5, 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 John J. Little and all counsel and/or pro se parties of record electronically or by another means authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ David T. Arlington

David T. Arlington

CERTIFICATE OF CONFERENCE

On March 1, 2010, I conferred with Brad Foster, counsel for Andrea Berger, Michael Bober, Neal Clement, Patrick Cruickshank, Arturo R. Diaz, Matthew Drews, Patrica Herr, John Holliday, Robert Lenoir, Trevor Ling, Michael MacDonald, Maria Manerba, Lawrence Messina, Trenton Miller, Peter Montalbano, David Morgan, Jon Nee, Norbert Nieuw, Saraminta Perez, Randall Pickett, Edward Prieto, Leonor Ramirez, Nelson Ramirez, John Santi, Sanford Steinberg, William O. Stone Jr., Ettore Ventrice, and Maria Villanueva, who said that his clients are opposed to the foregoing motion. On March 2, 2010, I conferred with Alexander Angueira, counsel for Daniel Hernandez and Roberto A. Pena, who said that his clients are opposed to the foregoing motion. On March 1, 2010, I conferred with Linda Broocks and Laura Gibson, counsel for Jane E. Bates, Giampiero Riccio, and Juan C. Riera, who said that their clients are opposed to the foregoing motion. On March 1, 2010, I conferred with Jason Graham, counsel for Brad Bradham, Virgil Harris, and Louis Schaufele, who said that his clients were unopposed to the foregoing motion. On March 1, 2010, I attempted to confer with Michael Stanley, counsel for James Fontenot, Aymeric Martinoia, Hank Mills, and Miguel Valdez, regarding the foregoing motion but did not receive a response. On March 1, 2010, I attempted to confer with Jeff Ansley, counsel for Roberto Ulloa, regarding the foregoing motion but did not receive a response. On March 5, 2010, I attempted to confer with Joseph Kligen regarding the foregoing motion but did not receive a response. Consequently, this motion is opposed.

/s/ David T. Arlington

David T. Arlington