

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

SECURITIES AND EXCHANGE COMMISSION,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	Case No. 3:09-CV-0298-N
STANFORD INTERNATIONAL BANK, LTD., ET AL.,	§	
	§	
Defendants.	§	

**RECEIVER’S AMENDED MOTION FOR ENTRY OF AN ORDER (I) ESTABLISHING
BAR DATE FOR CLAIMS; (II) APPROVING FORM AND MANNER OF NOTICE
THEREOF; AND (III) APPROVING PROOF OF CLAIM AND RELATED FORMS AND
PROCEDURES FOR SUBMITTING PROOFS OF CLAIM**

I. Preliminary Statement

The Receiver filed his First Motion for Entry of an Order Establishing a Bar Date on November 16, 2011 (Doc. 1473) (“First Bar Date Motion”). Since that time, the Receiver has received comments and objections and other input from the Examiner, Investors Committee, and counsel for potential claimants concerning specific aspects of the proposed order and related notices submitted with the First Bar Date Motion. The comments, questions and objections received primarily have focused on clarifying various components of the proposed bar date and claim process, including specific suggestions as to the form and content of proposed notices and related forms. Additionally, the Examiner, Investors Committee and SEC have participated and consulted with the Receiver in interviewing various professional firms with specific expertise and experience in handling claims processing and validation in similar cases. That process has resulted in the Receiver’s decision, with which SEC, the Examiner, and the Investors Committee

concur, to select, and seek Court approval to retain, two firms to assist him in the claims and distribution process.

The Receiver has reviewed all of the objections filed, as well as a draft brief of the Examiner that he prepared in response to the Receiver's First Bar Date Motion. The result of that review, and the consultations with other interested parties, has led to the preparation of this Amended Bar Date Motion and an Amended Proposed Order (and related Exhibits which are attached hereto) discussed in more detail below.

Attached hereto as Exhibits 1 through 9 are the following documents

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|-----------|--|
| Exhibit 1 | Agreement between the Receiver and Gilardi & Co. LLC. |
| Exhibit 2 | Agreement between the Receiver and FTI Consulting, Inc. |
| Exhibit 3 | Bar Date Notice |
| Exhibit 4 | Proposed Proof of Claim Form |
| Exhibit 5 | Proposed Publication Notice |
| Exhibit 6 | Notice of Deficiency Form |
| Exhibit 7 | Notice of Determination Form |
| Exhibit 8 | List of Stanford Receivership Entities |
| Exhibit 9 | Amended Order (I) Establishing Bar Date for Claims; (II) Approving Form and Manner of Notice Thereof; and (III) Approving Proof of Claim Form and Procedures for Submitting Proof of Claim |

As set forth below, the Receiver has addressed, incorporated or resolved the majority of objections, suggestions, and other feedback received concerning the First Bar Date Motion. The Examiner's comments and suggestions concerning that Motion are described below, along with the changes made by the Receiver in response. The amendments the Receiver has made in

response to the feedback from the Examiner and other parties clarify and improve the process for the benefit of the victims of the Stanford fraud.

Because the Receiver has made substantial changes to the Proposed Order and Notices submitted with his First Bar Date Motion, the Receiver believes all parties should be permitted to file responses to this Amended Motion within 21 days as provided in the local rules.

II. Amendments made in Response to the comments of the Examiner concerning the Receiver's First Bar Date Motion

On January 5, 2012, the Examiner shared with the Receiver a copy of his draft response to the Receiver's First Bar Date Motion. The Examiner raised several issues about which the Receiver, Examiner and other parties have since conferred over the past several weeks. As a result, the Receiver has amended his proposed order and notices in several respects which are explained in the following paragraphs:

1. The Examiner proposed that the Receiver identify, and seek Court approval to retain, a professional claims management/administration firm to handle the Receivership's claims process from start to finish. In response to this comment, the Receiver solicited interest from several such firms, and invited the Examiner, Investors Committee and SEC to contact other firms and solicit their interest as well. Thereafter, the Receiver and these parties met, over the course of several days, with several firms experienced in claims processing and validation. After these meetings, each of the firms submitted written proposals to the Receiver, which the Receiver shared with the SEC, Examiner and Investors Committee.

2. In consultation with the Examiner, SEC, and the Investors Committee (and ultimately with their approval), the Receiver decided to retain Gilardi & Co. LLC ("Gilardi") as his Claims Agent, subject to the Court's approval. This firm will assist the Receiver in the publication of notices and the intake and initial processing and verification of claims. At the request of the

Receiver, Gilardi will discount each of its invoices to the Receivership by 5%. In the amended proposed Bar Date Order (“Amended Proposed Order”), the Receiver seeks authority to retain Gilardi as its claims agent and seeks approval of the engagement agreement between the Receiver and Gilardi, attached to the Appendix in Support of the Amended Motion as Exhibit 1. See Amended Proposed Order, Section 3.

3. Additionally, in consultation with the SEC, Examiner, and the Investors Committee, the Receiver decided to retain FTI Consulting, Inc. (“FTI”) to perform in-depth claim verification and analysis work concerning certain claims, as needed. At the request of the Receiver, FTI will discount each of its invoices to the Receivership by 5%. In the Amended Proposed Order, the Receiver seeks authority to retain FTI to provide these services and seeks approval of the engagement agreement between the Receiver and FTI, attached to the Appendix in Support of the Amended Motion as Exhibit 2. See Amended Proposed Order, Section 3.

4. The Examiner proposed that the Receiver identify with specificity, and seek Court approval of, the mechanisms through which notice will be given to potential Claimants around the world. In response to this comment, the Receiver has made several amendments to the proposed Order and related notices, and has received suggestions and input from both FTI and Gilardi regarding notice and publication issues. First, In consultation with Gilardi, the Receiver *will implement* a multi-faceted communications plan designed to offer the public reasonable notice of these proceedings (“Notice Plan”). The Notice Plan provides notice to claimants both through direct notice, in cases where the Receiver has physical addresses and/or email addresses, and through publication, in cases where it is not able to provide direct notice. The publication plan is designed to provide significant newspaper publication in all of the countries where any substantial number of potential Claimants are known to reside. The Notice Plan includes

publication in all editions of the Wall Street Journal, including the special Latin Americas Edition, which is inserted into the Sunday editions of newspapers across Latin America, the Houston Chronicle, The New York Times, and the Global Edition of the Financial Times. In addition, the Notice Plan includes publication in newspapers around the Caribbean, including Aruba, Antigua and Barbuda. Along with the planned paid newspaper publications, the Notice Plan will include a geographically targeted press release that will be translated into several languages, and can be expected to be picked up by print and other media outlets throughout the affected area. Finally, the Notice Plan includes a very significant online advertising and social media campaign designed to create awareness of the Bar Date and direct potential Claimants to the Receiver's website for information. The online campaign is expected to create more than 25 million opportunities to view the relevant information, and do so in a very cost effective manner. The scale and scope of the online campaign can be monitored and adjusted in reaction to actual responses, and will provide measurable statistics to the Receiver regarding its reach and effectiveness. Second, the Amended Proposed Order contains additional and more specific information regarding methods of service, requires the Receiver to confer with the Examiner and Investors Committee regarding mail service on potential Claimants outside of the United States, and requires the Receiver to provide notice through the Court's CM/ECF system in all lawsuits in which the Receiver is a party. Amended Proposed Order, Section 7(c).

5. The Examiner suggested that to the extent that counsel have made themselves known to the Receiver as representatives of Investors or other Claimants, the Receiver should provide copies of any notice to such counsel. The Receiver has amended his proposed Order to accomplish this. The Amended Proposed Order requires the Receiver to file through the Court's CM/ECF system in each of the lawsuits in which he is a party a notice attaching the Bar Date

Notice and Proof of Claim form. See Amended Proposed Order, Section 7(c)(iv). The Amended Proposed Order, and the original order, provide that the Receiver shall provide notice to Claimants who previously contacted the Receiver through the Receivership email address, who previously filed a claim with the Receiver or who previously filed an application for release of a frozen brokerage account. See Amended Proposed Order, Sections 7(c)(i)-(ii). However, further review of Receivership records, including the thousands of emails received directly by counsel for the Receiver and the Receiver himself, in order to identify additional counsel for potential Claimants, would be extremely time-consuming and expensive. Most importantly, this additional review is unlikely to identify potential Claimants who will not receive notice through other provisions of the Amended Proposed Order.

6. The Examiner proposed that the Receiver identify, and seek Court approval of, the information and supporting documents that will be required to establish a valid Claim.¹ In response, the Receiver has made several amendments to his proposal. The Amended Proposed Order more specifically identifies the types of documents and materials that a Claimant should include with a Proof of Claim. It likewise identifies the types of materials that should not be provided with a Proof of Claim. See Amended Proposed Order, Sections 7(f)-(g). Conforming language has been included in the amended proposed Bar Date Notice and the Amended Proposed Proof of Claim form, which are Exhibits 3 and 4 respectively to the Appendix in Support of the Amended Motion. To address the issue of incomplete or inadequate documentation that may be submitted by a Claimant, the Amended Proposed Order also provides for a Notice of Deficiency to be sent by the Receiver if the Proof of Claim lacks necessary information and allows the Claimant 60 days to respond to the Notice of Deficiency with the

¹ This comment was similar to an objection contained in the **Opposition of Certain Stanford International Bank Depositors [Malouf Clients] to Receiver's Motion for Entry of an Order (Doc. 1486 at p.2)**.

requested information. See Amended Proposed Order, Section 7(l). This will permit the Receiver to deal on a case by case basis with the need for additional documentation in order to make a Determination concerning a claim. It is neither possible nor practical for the Receiver to provide an exhaustive list of specific documentation that can or should be used to support every variety of claim that may be submitted, but these changes to the Receiver's proposal provide reasonable and adequate guidance to Claimants concerning the information they should submit to support a claim.

7. The Examiner proposed that the Receiver identify, and seek Court approval of, the manner in which the Receiver proposes to process, reconcile, verify and validate Claims once they are submitted.² The process of verifying and validating or rejecting claims necessarily involves comparing the information submitted by the Claimant to the information available to the Receiver, and reaching a conclusion in light of the available information and the applicable law. Given the variety of types of claims that will be submitted, and the variety of types of information to which Claimants may have access, it is neither possible nor practical to list in detail the analysis that will be performed on each type of claim. However, the Amended Proposed Order contains amended language identifying the information on which the Receiver's Claim determination shall be based, and provides a process through which the Receiver may request additional information from a Claimant. See Amended Proposed Order, Sections 7(f), (k) and (l). The Amended Proposed Order further allows Claimants the opportunity to object to the Receiver's determination of a Claim and defines the procedure through which such objections shall be asserted and resolved. See Amended Proposed Order, Sections 7(n)-(s). The

² This comment is similar to one of the objections in **Opposition of Certain Stanford International Bank Depositors [Malouf clients] to Receiver's Motion for Entry of an Order (Doc. 1486 at p. 2) and [Quilling clients] Response and Objection to the Receiver's Motion for Claim Bar Date and Claim Procedures (Doc. 1492).**

Receiver will communicate his decision in a Notice of Determination, which contains instructions outlining the objection process, and Court review of Determinations and Objections is specifically provided. See Amended Proposed Order, *id.*, and Exhibits 6 and 7 to the Appendix in Support of the Amended Motion. The Notice of Determination and Objection process proposed by the Receiver is modeled on the process implemented in the Bernard Madoff and MF Global SIPC liquidations. (See *In Re: MF Global, Inc.* Case No. 11-2790 (MG) SIPA; In the United States Bankruptcy Court for the Southern District of New York (Doc. 423, November 11, 2011) and *Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC*, No. 08-01789-BRL; In the United States Bankruptcy Court for the Southern District of New York (Doc. 12, December 23, 2008)).

8. The Examiner proposed that the Receiver bifurcate his notice and proof of claim form to facilitate the submission of Claims by Stanford customers and Investors (as opposed to taxing authorities, trade creditors and the like). Section 5 of the Amended Proposed Order has been revised to clearly distinguish between investor or customer Claims and Claims asserted by other potential Claimants (service providers, former employees, lenders, taxing authorities, etc.). See Amended Proposed Order, Section 5. Conforming language has been included in the Amended Proposed Bar Date Notice, the Amended Proposed Proof of Claim Form and the Amended Proposed Bar Date Publication Notice, which are Exhibits 3, 4 and 5 respectively to the Appendix in Support of the Amended Motion.

9. The Examiner proposed that Stanford customers and Investors should not be required to identify the “specific entity” against which they assert a Claim, nor should they be required to file the same Claim multiple times against different entities. The Receiver understands that some Claimants may have a clear understanding of the Stanford entity against which they have a

claim, and others may not. Identifying the entity with which the Claimant had interaction resulting in a claim will assist the Receiver in locating records and information pertinent to that claim. However, given the possibility of confusion or uncertainty on the part of some Claimants as to the particular Stanford entity involved with their claim, the Receiver has revised his proposed Order and proof of claim form. The Amended Proposed Order provides that “A Claimant must identify, in the Proof of Claim, the Receivership Entity against which it is asserting a Claim *if such information is available to the Claimant*. However, a Claimant may submit Proofs of Claim against several or all of the Receivership Entities if, based upon a reasonable investigation, such Claimant believes that it holds a Claim against those Receivership Entities or is unsure which Receivership Entity it holds a Claim against. If the Receiver or his Claims Agent requests additional information regarding the identity of the Receivership Entity or Receivership Entities against which the Claimant’s Claim is properly asserted, the Claimant must respond to the request and provide the requested information if available to the Claimant.” Amended Proposed Order, Section 7(h)(emphasis added). The Amended Proposed Order further provides that a Claimant must submit a separate Proof of Claim for each type of Claim asserted but does not require a Claimant to file the same Claim multiple times against different entities. The order further provides that “A Claimant’s failure to submit a separate Proof of Claim for each type of Claim shall be a basis for the Receiver to issue a Notice of Deficiency....” Amended Proposed Order, Section 7(i). Thus there will be opportunities for the Receiver and Claimant to communicate and exchange information if there is uncertainty or confusion as to the particular Stanford entity involved in a claim. Conforming language is contained in the Proof of Claim, Exhibit 4 to the Appendix in Support of the Amended Motion.

10. The Examiner proposed that the Receiver establish an on-line process for the submission of Claim forms, and to receive Claims submitted through midnight, Central Time on whatever bar date is established. The Receiver has incorporated these suggestions. The Amended Proposed Order states that a Claimant has the option to submit a Proof of Claim electronically online at www.stanfordfinancialclaims.com. Amended Proposed Order, Section 7(d). The Amended Proposed Order further establishes 11:59 p.m. Central Time, on the date that is 120 days after the entry of the Bar Date Order, as the Bar Date. Additionally, the Receiver proposes that the claim period be set at 120 days, as opposed to 180 days as stated in the Motion. By comparison, bar dates set in SIPC liquidations, such as Madoff and MF Global, are typically 60 days for customers to claim maximum SIPC protection and 180 days for all claims. Yet bar dates in those types of cases are established within the first few weeks of commencement of the case. In contrast, this case has been pending for over 3 years, has been the subject of great notoriety, and the Receiver already has received over \$2.2 billion in claims submitted voluntarily. It is the Receiver's intent to move expeditiously for a distribution once the claim period ends, and so the sooner all claims are received, the sooner such a Motion can be presented to the Court. For these reasons, a six month claim period is longer than necessary at this point, and 120 days is a reasonable period within which to require submission of claims.

11. The Examiner noted that the list of Stanford entities that is included with the Appendix supporting the original Bar Date Motion is potentially confusing because many of the listed Stanford entities have very similar sounding names. Additionally, the entities were not listed in alphabetical order, nor were they listed in any other order that might assist potential Claimants in attempting to identify the "specific entity" against which they have a Claim. To address this

concern, The list of Stanford Receivership Entities has been reorganized in alphabetical order. Exhibit 8 to the Appendix in Support of the Amended Motion.

III. Opposition of Certain Parties to Receiver's First Bar Date Motion

Six different sets of objections were filed by various counsel in response to the Receiver's First Bar Date Motion. In an effort to accommodate as many of those objections as possible, the Receiver has made several changes to his Proposed Bar Date Order and process which are described below:

A. Opposition of Certain Stanford International Bank Depositors to Receiver's Motion for Entry of an Order (Doc. 1486)

Objection:

1. Respondents respectfully request that the Court direct the Receiver to submit to the Court a detailed proposal setting forth what information the Receiver will require be submitted with each Proof of Claim.... (p. 2).

Receiver's Response:

2. The Receiver's response is addressed at para. II-6 above.

Objection:

3. Respondents respectfully request that the Court direct the Receiver to submit to the Court a detailed proposal setting forth...the method the Receiver intends to implement for processing and verifying Proofs of Claim. (p. 2).

Receiver's Response:

4. The Receiver's response is addressed at para. II-7 above.

Objection:

5. Respondents believe that Claimants who submit an incomplete or inadequate Proof of Claim should be given a meaningful opportunity to cure the defect(s). Because so many

Claimants reside overseas, Respondents believe that sixty (60) days following a deficiency notice is a reasonable period to cure such defect(s). (p. 3).

Receiver's Response:

6. The Amended Proposed Order provides for a Notice of Deficiency to be sent by the Receiver if the Proof of Claim lacks necessary information and allows the Claimant 60 days to respond to the Notice of Deficiency with the requested information. See Amended Proposed Order, Section 7(l).

Objection:

7. If a Proof of Claim is finally denied, in whole or in part, the Court's order approving the establishment of a claim process should make it clear that a final denial of a proof of claim may be appealed to this Court. In the alternative, Respondents respectfully suggest that the Court consider the appointment of a special master to make recommendations to the Court as to any Proof of Claim which is denied by the Receiver and appealed by the Claimant. (pp. 3-4)

Receiver's Response:

8. The Amended Proposed Order allows Claimants the opportunity to object to the Receiver's determination of a Claim and defines the procedure through which such objections shall be asserted and resolved. See Amended Proposed Order, Sections 7(n)-(s). The Receiver has also created a form Notice of Determination, which contains instructions outlining the objection process. See Exhibit 7 to the Appendix in Support of the Amended Motion. With regard to the request for the appointment of a Special Master, the Receiver disagrees that this is necessary or helpful. The appointment of yet another intermediary official whose function would be to review the Determinations of the Receiver and objections by Claimants, and make a report or recommendation to the Court, would create an additional and unnecessary

administrative burden and expense to the Receivership. This additional burden is one that would not stream-line the process but would produce additional delays in resolving disputes and repetitive briefing of similar issues.

B. Response of Jane Ann Sasser, Linda Oge, and Mark Oge in Opposition to the Receiver's Motion for Entry of an Order Approving (I) Form and Manner of Notice for Claims and (III) Approving Proof of Claim form and Procedures for submitting Proofs of Claim (Doc. 1479)

Objection:

1. The Arbitration Movants respectfully request that this Court deny the Receiver's Motion until such time as the POCFs either (a) make abundantly clear that injured SFG customers are not precluded from seeking relief against SFG Registrants in FINRA arbitration in the future once the stay is lifted, (b) provide adequate "opt-out" and set-off provisions for claims against property that the Receiver has garnered from the SFG Registrants and/or (c) provide clear, unambiguous language regarding the surrender of the right to proceed against SFG Registrants in arbitration before FINRA. (p. 8).

Receiver's Response:

2. All objections in Doc. 1479 were resolved pursuant to the Agreed Stipulation Regarding the Sasser Respondents' Response to the Receiver's Bar Date Motion. See Doc. 1503. The Amended Proposed Order states that submission of a Proof of Claim does not constitute a waiver of the right to pursue claims against former individual Stanford Financial Group financial advisors and that such claims should be pursued outside of the Receiver's claims process only after the Court lifts the litigation stay. See Amended Proposed Order, Section 7(t)(ii).

C. Louisiana Retirees' Response in Opposition to Receiver's Motion for Entry of an Order (Doc. 1488)

Objection:

1. The Louisiana Retirees move this Honorable Court to adopt and join in the “Response of Jane Ann Sasser, Linda Oge, and Mark Oge in Opposition to the Receiver’s Motion for Entry of an Order Approving (I) Form and Manner of Notice for Claims and (III) Approving Proof of Claim form and Procedures for submitting Proofs of Claim”.... (p. 1)

Receiver’s Response:

2. See Receiver’s Response to objections raised in Doc. 1479.

Objection:

3. Clawback Defendants...have been named as defendants for the return of interest and the Receiver has filed Motion for Summary Judgments and Clawback Defendants have responded in accordance with the Court’s Briefing Schedule. Louisiana Retirees oppose the Receiver’s Motion...to the extent that the language proposed by the receiver waives Clawback Defendants rights to pursue an appeal of the district court’s decision at the United States Fifth Circuit Court of Appeal. (p. 2)

Receiver’s Response:

4. In response to this objection, the Receiver revised his Proposed Order to state that “A Claimant’s submission of a Proof of Claim shall not constitute a waiver of...[a]ny defenses a Claimant has or may have against litigation claims asserted by the Receiver, including but not limited to any rights the Claimant has or may have to appeal rulings of the trial court in such cases.” See Amended Proposed Order, Section 7(t)(i).

Objection:

5. The proposed proof of claim forms should bear the clear and specific language stating that public customers, such as Louisiana Retirees are not limited nor precluded in the assertions of claims against anyone not listed in Exhibit One: Stanford Receivership Entities. (p. 2)

Receiver's Response:

6. The Amended Proposed Order states that submission of a Proof of Claim does not constitute waiver of the right to pursue claims against former individual Stanford Financial Group financial advisors and that such claims should be pursued outside of the Receiver's claims process only after the Court lifts the litigation stay. See Amended Proposed Order, Section 7(t)(ii). The Amended Proposed Order incorporates and gives effect to stipulations between the Receiver and Claimants concerning whether filing a Proof of Claim will constitute a waiver of particular rights. See Amended Proposed Order, Section 7(t)(iv).

Objection:

7. What rights, if any, does a Claimant waive by filing a claim with the Antiguan Liquidators (Note: This issue was raised by counsel Phil Preis informally with the Receiver and Examiner and was not stated in Doc. 1488.)

Receiver's Response:

8. The Amended Proposed Order makes clear that submission of evidence of a Claim with the Antiguan liquidators or receivers, whether submitted prior to or after the date of the Order, will not constitute a waiver of the right to submit or otherwise bar a Claimant from submitting a Proof of Claim. See Amended Proposed Order, Section 7(e)(i).

D. Trustmark National Bank's Objection to The Receiver's Motion for Entry of an Order (I) Establishing Bar Date for Claims; (II) Approving Form and Manner of Notice Thereof; and (III) Approving Proof of Claim Form and Procedures For Submitting Proofs of Claim (Doc. 1481)

Objection:

1. Trustmark respectfully requests this Court deny the Receiver's Bar Date Motion until such time as the Receiver (1) clearly and unambiguously articulates his position as to whether submission of a proof of claim will or will not waive currently pending claims against the

Receiver, the Receivership Estate, or Receivership assets; and (2) amends the original Bar Date Motion and the notices the Receiver issues pursuant to the motion to allow claimants to submit proofs of claim while reserving rights to assert and pursue currently pending claims against the Receiver, the Receivership Estate, or Receivership assets, including any claims on appeal. (p. 4)

Receiver's Response:

2. Pursuant to the stipulation filed as Doc. 1530, Trustmark withdrew the objections contained in Doc. 1481. The stipulation contained in Doc. 1530 provides that Trustmark may file a proof of claim pursuant to the Bar Date Motion, or any future claims procedure this Court may approve, without relinquishing or waiving its right to pursue the claim or claims that were the subject of the Appeal in *Securities and Exchange Commission, Ralph S. Janvey, Receiver v. Stanford Int'l Bank, Ltd., et al. v. Trustmark National Bank, Intervenor-Appellant v. HP Financial Services Venezuela, C.C.A., Intervenor-Appellee*, Case No. 11-10355 in the Fifth Circuit Court of Appeals. (Opinion issued and Decision of the District Court Affirmed, March 8, 2012). The Amended Proposed Order incorporates and gives effect to stipulations between the Receiver and Claimants concerning whether filing a Proof of Claim will constitute a waiver of particular rights. See Amended Proposed Order, Section 7(t)(4).

E. [Quilling clients'] Response and Objection to the Receiver's Motion for Claim Bar Date and Claim Procedures (Doc. 1492)

Objection:

1. [The Receiver] says he will adopt "certain minimum standards" that claimants will have to meet to establish a claim and receive a distribution. . . . The Investors object to the Receiver's motion until he articulates and the Court approves clear standards for submitting allowable claims. (pp. 2-3)

Receiver's Response:

2. The Receiver's response is addressed at para. II-7 above.

Objection:

3. [I]f claimants have previously appeared in this lawsuit or in ancillary lawsuits, the Receiver should at least send a copy of the notice to their counsel's address of record. (p. 3)

Receiver's Response:

4. The Amended Proposed Order contains additional and more specific information regarding methods of service, and specifically requires the Receiver to provide notice through the Court's CM/ECF system in all cases in which the Receiver is a party. See Amended Proposed Order, Section 7(c)(iv).

Objection:

5. The Receiver should also specify the regional papers in which he is notifying by publication because he omits geographic areas where many of the investors actually lived, both within the United States and throughout South America, the Caribbean, and other regions. (p. 3)

Receiver's Response:

6. The Amended Proposed Order contains additional and more specific information regarding methods of service and specifies all newspapers in which Receiver will publish the Bar Date Publication Notice. See Amended Proposed Order, Section 7(c)(iii). See Receiver's Response at II-4. However, it is not economically justifiable for the Receivership to incur the expense of newspaper advertising in every foreign country, regardless of how many potential claimants may reside there. Even a limited international advertising program is projected to cost several hundred thousand dollars, money which of course would otherwise be directed to paying claims.

Objection:

7. [The Receiver] should also work with the Antiguan liquidators to come up with one claim process rather than competing and duplicative ones. He could obtain copies of the claims filed in the Antiguan proceeding and send notice to those addresses or, to be even more sensible, treat the claims as if they were filed in this proceeding. To do otherwise could create confusion among the investors. (p. 3)

Receiver's Response:

8. These issues are currently being addressed through the Chapter 15 litigation pending in this Court in *In re: Stanford International Bank, Ltd.*; In the United States District Court for the Northern District of Texas; No. 3:09-CV-0721-N. Over the course of several months, with the assistance of the Examiner, Investors Committee and SEC, the Receiver has tried to reach a cooperation agreement with the new Joint Liquidators, but he has been unable to do so. The refusal by the Antiguan liquidators to reach agreement with the Receiver should not stand in the way of establishing a claims process in this case. This objection is not germane to this Motion.

Objection:

9. [T]o encourage participation in the claims process, the Receiver's claim form should make it clear that claimants are not waiving any defenses they could assert against claims by the Receiver. This is important because the Receiver already sued the net losers (who are likely to be the largest group of claimants) once and has deliberately reserved his right to sue them again. *See* Receiver's Mot. for Partial Summ. J. [Doc. [89]], No. 3:10-CV-1002 ("The Receiver also has claims against the Stanford Net Winners and other Stanford Investors for recovery of transfers that supposedly represented repayments of the 'principal' amounts of the Stanford Investors' investments.") Without that assurance, the Receiver's past efforts and stated desire to sue net losers could have a chilling effect on the claims process. (pp. 3-4)

Receiver's Response:

10. The Amended Proposed Order states that "A Claimant's submission of a Proof of Claim shall not constitute a waiver of...[a]ny defenses a Claimant has or may have against litigation claims asserted by the Receiver, including but not limited to any rights the Claimant has or may have to appeal rulings of the trial court in such cases." See Amended Proposed Order, Section 7(t)(i).

Objection:

11. The Investors further object to the Receiver's proposal because it fails to explain what happens if he were to prevail on clawback claims against the SIBL CD holders....If the Receiver prevails, it appears the Investors would have a claim against the estate....As a result, the Investors would have a claim against the estate in an amount equal to the Receiver's judgment against them. (p. 4)

Receiver's Response:

12. This objection is based on the incorrect premise that if the Receiver recovers false profits or so-called "net winnings" from investor defendants, those investors will have claims against the Receivership Estate for the amounts equal to the Receiver's judgment against them. This is contrary to applicable law, as set forth in the briefing associated with the Receiver's motions for partial summary judgment currently pending in the Receiver's lawsuits against net winner investors. False profits generated and distributed by a Ponzi scheme are not recoverable by Defendants who are forced to disgorge such false profits.

Objection:

13. The Proposed Claim Procedures Illustrate The Inequity Of The Receiver's Lawsuits Against Investors. (p. 5)

Receiver's Response:

14. This objection presents no issues that can or should be resolved by changes to the claims process procedures set forth in the Amended Proposed Order. The objection is not germane to the Motion.

F. [Kachroo Legal Services] Notice of Joinder in Response and Objection to the Receiver's Motion for Claim Bar Date and Claim Procedures (Doc. 1499)

Objection:

1. The Investors join in the Response and Objection to the Receiver's Motion for Claim Bar Date and Claim Procedures (Doc. No. 1492) filed by Quilling, Selander, Lownds, Winslett & Moser, P.C. (the "Quilling Objection"). In particular, the Investors share the concern raised in the Quilling Objection related to cooperation with the Antiguan liquidators. The Receiver's proposed claims process does not provide for any coordination with the claims process in Antigua, which will lead to unnecessary duplication of efforts at the expense of the receivership estate. Moreover, two competing claims processes, one in Texas and one in Antigua, will cause confusion among investors, require additional resources to ensure claims are not paid twice, and will generally lead to waste and abuse. (p. 1)

Receiver's Response:

2. See Receiver's response to objections raised in Doc. No. 1492. With regard to coordination with the Antiguan Liquidators' claims process. See Receiver's response in para. E-8 above.

Dated: March 16, 2012

Respectfully submitted,

BAKER BOTTS L.L.P.

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ATTORNEYS FOR RECEIVER RALPH S. JANVEY

CERTIFICATE OF CONFERENCE

The Receiver has conferred extensively with the SEC, Examiner and Investors Committee concerning the motion and relief requested and each advises that they do not oppose some aspects of the motion and relief requested, but they will file responses to set forth their respective positions.

On March 15, 2012, the Receiver provided a draft copy of the Amended Motion, Exhibits, and Proposed Order to other counsel of record in this case who advised as follows:

Stephen Cochell, counsel for R. Allen Stanford, did not provide a response concerning what Mr. Stanford's position is on this motion or the relief requested.

Jeff Tillotson, counsel for Laura Pendergest-Holt, stated Ms. Pendergest-Holt does not take a position on this motion or the relief requested herein.

Joseph Hummel, counsel for Trustmark National Bank, stated that Trustmark does not oppose this motion or the relief.

Manuel P. Lena, Jr., counsel for the DOJ (Tax Division), stated that the DOJ (Tax Division) takes no position on this motion or the relief requested herein.

Jason Brookner, counsel for HP Financial Services Venezuela C.C.A., stated that HP takes no position on this motion or the relief requested herein.

Andrew Warren, counsel for the DOJ (Fraud Division), stated that he takes no position on this motion or the relief requested.

Stephanie Curtis, counsel for INX, Inc., did not provide a response regarding INX's position on this motion or the relief requested herein.

John Helms, Jr., counsel for Mark Kuhrt, did not provide a response regarding Mr. Kuhrt's position on this motion and the relief requested herein.

Phil Preis, counsel for the "Louisiana Retirees" did not provide a response to this motion or the relief requested.

Robert Cornish, counsel for Jane Sasser, et al, stated that he takes no position on the motion or relief requested.

Michael Quilling, counsel for "numerous CD holders," did not provide a response to this motion and relief requested.

The motion, therefore, is opposed.

/s/ Kevin M. Sadler
Kevin M. Sadler

CERTIFICATE OF SERVICE

On March 16, 2012, 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