

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

STANFORD INTERNATIONAL BANK,
LTD., ET AL.,

Defendants.

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Case No. 3:09-CV-0298-N

**RECEIVER’S AND EXAMINER’S SECOND JOINT ADVISORY
TO THE COURT REGARDING PENDING MOTIONS**

Receiver Ralph S. Janvey (the “Receiver”) and Examiner John J. Little (the “Examiner”) hereby respectfully advise the Court that the following motions, pending in cases filed by the Receiver or the Official Stanford Investors Committee (“OSIC”), are now fully briefed and are awaiting ruling by the Court. For the Court’s convenience, the Receiver and Examiner have further set forth their understanding of which matters are pending in the District Court and which matters have been referred to Magistrate Judge Frost. The Receiver and Examiner will continue to provide the Court with periodic updates to this advisory in fulfillment of their respective duties to keep the Court and investors informed regarding matters pertinent to this civil action.

Motions for Summary Judgment**Motions for Summary Judgment Pending in District Court**

| | <u>Date Filed</u> | <u>Case No.</u> | <u>Case Name</u> | <u>Doc. No.</u> | <u>Motion</u> |
|----|--------------------------|------------------------|--|------------------------|--|
| 1. | February 10, 2012 | 3:10-cv-1973 | <i>Janvey v. Dillon Gage Inc. of Dallas et al.</i> | 26 | Receiver's Motion for Summary Judgment Against Dillon Gage, Inc. of Dallas and Dillon Gage, Inc. |
| 2. | February 28, 2013 | 3:11-cv-0294 | <i>Janvey et al. v. The Golf Channel, Inc.</i> | 33 | Defendant TGC, LLC, d/b/a/ Golf Channel's Motion for Summary Judgment |
| 3. | February 28, 2013 | 3:11-cv-0294 | <i>Janvey et al. v. The Golf Channel, Inc.</i> | 36 | Plaintiffs' Motion for Summary Judgment |

Motions to Dismiss Receiver's or OSIC's Complaint**Motions to Dismiss Receiver's or OSIC's Complaint Pending in District Court**

| | <u>Date Filed</u> | <u>Case No.</u> | <u>Case Name</u> | <u>Doc. No.</u> | <u>Motion</u> |
|----|--------------------------|------------------------|---|------------------------|--|
| 4. | July 21, 2011 | 3:11-cv-0329 | <i>The Official Stanford Investors Committee et al. v. Breazeale Sachse & Wilson LLP et al.</i> | 22 | Adams and Reese LLP and James Austin's Motion to Dismiss Plaintiffs' First Amended Complaint |
| 5. | July 21, 2011 | 3:11-cv-0329 | <i>The Official Stanford Investors Committee et al. v. Breazeale Sachse & Wilson LLP et al.</i> | 24 | Michael Contoro's Motion to Dismiss Plaintiffs' First Amended Class Action Complaint |
| 6. | September 30, 2011 | 3:11-cv-0329 | <i>The Official Stanford Investors Committee et al. v. Breazeale Sachse & Wilson LLP et al.</i> | 39 | Motion to Dismiss Plaintiffs' Complaint, Filed by Defendant Louis Fournet |

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| 7. | June 26, 2012 | 3:11-cv-0329 | <i>The Official Stanford Investors Committee et al. v. Breazeale Sachse & Wilson LLP et al.</i> | 68 | Breazeale, Sachse & Wilson LLP's Motion to Dismiss Plaintiffs' First Amended Complaint |
| 8. | June 29, 2012 | 3:11-cv-0329 | <i>The Official Stanford Investors Committee et al. v. Breazeale Sachse & Wilson LLP et al.</i> | 71 | Claude Reynaud's Motion to Dismiss Plaintiffs' First Amended Complaint |
| 9. | August 21, 2012 | 3:10-cv-2584 | <i>Janvey v. Alvarado</i> | 30 | Defendant Pablo M. Alvarado's Motion to Dismiss Receiver's Complaint |
| 10. | November 27, 2012 | 3:10-cv-0527 | <i>Janvey v. Barnes et al.</i> | 49 | Third-Party Defendants Capital Counsel, LLC, Cauthen Forbes & Williams, LLC, and Robert Mitchell Delk's Motion to Dismiss Restated Third-Party Complaint for Failure to State a Claim Pursuant to Fed. R. Civ. P. 12(b)(6) |
| 11. | November 30, 2012 | 3:11-cv-0760 | <i>Janvey v. Insideout Sports & Entertainment</i> | 23 | Motion to Dismiss Plaintiff's First Amended Complaint |
| 12. | December 3, 2012 | 3:11-cv-0299 | <i>Janvey et al. v. Castaneda</i> | 22 | Defendant's Motion to Dismiss the Complaint |
| 13. | January 3, 2013 | 3:11-cv-1177 | <i>Janvey v. Libyan Investment Authority et al.</i> | 136 | Defendants' Motion to Dismiss the Second Amended Complaint |
| 14. | March 14, 2013 | 3:10-cv-0527 | <i>Janvey v. Barnes et al.</i> | 68 | Third-Party Defendant Chesapeake Enterprises, Inc.'s Motion to Dismiss Restated Third-Party Complaint for Failure to State a Claim Pursuant to Fed. R. Civ. P. 12(b)(6) |
| 15. | March 21, 2013 | 3:13-cv-0775 | <i>Janvey v. Alvarado et al.</i> | 6 | Defendant Pablo M. Alvarado's Motion to Dismiss Receiver's Complaint |

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| 16. | May 5, 2013 | 3:13-cv-0775 | <i>Janvey v. Alvarado et al.</i> | 10 | Defendant Osvaldo Pi's Motion to Dismiss Receiver's Complaint |
| 17. | May 6, 2013 | 3:13-cv-0775 | <i>Janvey v. Alvarado et al.</i> | 15 | Defendant Jack Staley's Motion to Dismiss Receiver's Complaint |
| 18. | June 7, 2013 | 3:13-cv-0775 | <i>Janvey v. Alvarado et al.</i> | 21 | Defendant Luis Garcia's Motion to Dismiss Receiver's Complaint |
| 19. | June 14, 2013 | 3:13-cv-0775 | <i>Janvey v. Alvarado et al.</i> | 25 | Defendant Suzanne Hamm's Motion to Dismiss Receiver's Complaint |
| 20. | June 25, 2013 | 3:13-cv-0775 | <i>Janvey v. Alvarado et al.</i> | 28 | Defendant Glen Rigby's Motion to Dismiss Receiver's Complaint |
| 21. | August 22, 2013 | 3:13-cv-0775 | <i>Janvey v. Alvarado et al.</i> | 63 | Defendant David Nanes's Motion to Dismiss Receiver's Complaint |
| 22. | September 3, 2013 | 3:13-cv-0775 | <i>Janvey v. Alvarado et al.</i> | 64 | Defendant Patricia Maldonado's Motion to Dismiss Receiver's Complaint |
| 23. | April 15, 2013 | 3:12-cv-4641 | <i>OSIC v. Greenberg Traurig, LLP et al.</i> | 49 | Defendant Hunton and Williams, LLP's Motion to Dismiss |
| 24. | May 10, 2013 | 3:12-cv-4641 | <i>OSIC v. Greenberg Traurig, LLP et al.</i> | 56 | Defendant Yolanda Suarez's Motion to Dismiss |
| 25. | May 22, 2013 | 3:10-cv-0366 | <i>Janvey v. Venger et al.</i> | 358 | Defendant Maria Quintero de Peralta's Motion to Dismiss Complaint Against Certain Stanford Investors |
| 26. | July 29, 2013 | 3:11-cv-1659 | <i>Janvey et al. v. Rincon</i> | 17 | Defendant Juan Alberto Rincon's Motion to Dismiss |
| 27. | September 23, 2013 | 3:10-cv-0931 | <i>Janvey et al. v. Dokken, et al.</i> | 127 | Agreed Motion to Dismiss with Prejudice (Ham) |

Pending Motions to Dismiss Receiver's or OSIC's Complaint
Referred to Magistrate Judge Frost

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| 28. | September 3, 2010 | 3:10-cv-0829 | <i>Janvey v. Interim Executive Management, Inc.</i> | 9 | Defendant's Motion to Dismiss Receiver's Original Complaint Pursuant to Rules 8, 9(b), and 12(b)(6) of the Federal Rules of Civil Procedure |
| 29. | September 10, 2010 | 3:10-cv-1002 | <i>Janvey v. Fernandez et al.</i> | 32 | Edward S. Rubin Estate and Robert Rubin's Motion to Dismiss Receiver's Complaint Against Certain Stanford Investors |
| 30. | April 6, 2011 | 3:10-cv-1002 | <i>Janvey v. Fernandez et al.</i> | 57 | Defendant R. Glen Sherrill, Jr.'s Motion to Dismiss |
| 31. | May 27, 2011 | 3:10-cv-1002 | <i>Janvey v. Fernandez et al.</i> | 85 | Sharon Jean Marable's Motion to Dismiss Receiver's Complaint Against Certain Stanford Investors |
| 32. | June 9, 2011 | 3:10-cv-1002 | <i>Janvey v. Fernandez et al.</i> | 93 | Ron F. Bearden's Motion to Dismiss Receiver's Complaint Against Certain Stanford Investors And, Subject Thereto, Original Answer and Denials |
| 33. | June 9, 2011 | 3:10-cv-1002 | <i>Janvey v. Fernandez et al.</i> | 94 | Sino US Catering Development Company, Ltd's Motion to Dismiss Receiver's Complaint Against Certain Stanford Investors |
| 34. | September 24, 2010 | 3:10-cv-0366 | <i>Janvey v. Venger et al.</i> | 60 | Eduardo A. Najera and Jennifer M. Najera's Motion to Dismiss Receiver's Complaint Against Certain Stanford Investors |
| 35. | December 7, 2010 | 3:10-cv-0366 | <i>Janvey v. Venger et al.</i> | 75 | Michael E. Staid's Motion to Dismiss Receiver's Complaint Against Certain Stanford Investors |

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| 36. | April 4, 2011 | 3:10-cv-0366 | <i>Janvey v. Venger et al.</i> | 92 | Omar Rodriguez Rosales' Motion to Dismiss and, In the Alternative, Motion for a More Definite Statement |
| 37. | April 4, 2011 | 3:10-cv-0366 | <i>Janvey v. Venger et al.</i> | 93 | Motion to Dismiss by Defendants Donald J. Sherrill and Susan M. Sherrill |
| 38. | April 13, 2011 | 3:10-cv-0366 | <i>Janvey v. Venger et al.</i> | 104 | Motion to Dismiss by Defendants Moore, Moore and Moore, LLC, Namada Investment Group L.P., and Sococo Ltda |
| 39. | May 2, 2011 | 3:10-cv-0366 | <i>Janvey v. Venger et al.</i> | 128 | Defendants Dale Wilson and Judy Ann Wilson's Defenses, Motions to Dismiss, and Answer |
| 40. | May 9, 2011 | 3:10-cv-0366 | <i>Janvey v. Venger et al.</i> | 129 | Defendant Nathan Allen Moore's Motion to Dismiss |
| 41. | February 3, 2011 | 3:10-cv-1394 | <i>Janvey v. Wieselberg et al.</i> | 14 | Defendant Pedro Rodriguez's Motion to Dismiss |
| 42. | February 16, 2011 | 3:10-cv-1394 | <i>Janvey v. Wieselberg et al.</i> | 15 | Gene B. Ramirez's Motion to Dismiss (with Supporting Memorandum) Receiver's Complaint Against Certain Former Stanford Employees Who Invested in SIBL CDs |
| 43. | March 7, 2011 | 3:10-cv-1394 | <i>Janvey v. Wieselberg et al.</i> | 23 | Defendants Ronald Wieselberg, Monica A. Cespedes, Elsie H. Lecusay, and Ricardo Cobiella's Motion to Dismiss Receiver's Complaint Against Certain Former Stanford Employees who Invested in SIBL CDs Pursuant to Federal Rules of Civil Procedure 12(b)(2), 12(b)(6), and 9(b) and to Strike the Receiver's Claim for Attorney's Fees and Costs |

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| 44. | April 13, 2011 | 3:09-cv-0724 | <i>Janvey v. Alguire et al.</i> | 577 | Luis Hermosa's Motion to Dismiss Under Fed Rule Civ Pro 12 (b)(4) and (5) and Joinder in Defendants' Motion to Dismiss Receiver's Second Amended Complaint Against Stanford Former Employees |
| 45. | April 18, 2011 | 3:10-cv-0931 | <i>Janvey v. Dokken et al.</i> | 34 | Defendants Tonya Dokken and Peder Christian Dokken's Motion to Dismiss |
| 46. | April 21, 2011 | 3:11-cv-0303 | <i>The Official Stanford Investors Committee v. American Lebanese Syrian Associated Charities, Inc. et al.</i> | 12 | Defendants St. Jude's Children's Research Hospital, Inc.'s and American Lebanese Syrian Associated Charities, Inc. Motion to Dismiss |
| 47. | June 3, 2011 | 3:11-cv-0303 | <i>The Official Stanford Investors Committee v. American Lebanese Syrian Associated Charities, Inc. et al.</i> | 22 | Defendant Le Bonheur Children's Medical Center Foundation Motion to Dismiss |
| 48. | April 25, 2011 | 3:10-cv-2583 | <i>Janvey v. Bogar et al.</i> | 13 | Defendants Daniel T. Bogar and Brandilyn D. Bogar's Motion to Dismiss Plaintiffs' First Amended Complaint |
| 49. | May 9, 2011 | 3:11-cv-0301 | <i>Janvey et al. v. Brown</i> | 8 | Defendant's Second Motion to Dismiss |
| 50. | May 17, 2011 | 3:11-cv-0018 | <i>Janvey et al. v. Toms et al.</i> | 9 | Defendants David Wayne Toms and David Toms Golf, LLC's Motion to Dismiss |
| 51. | June 6, 2011 | 3:11-cv-0158 | <i>Janvey et al. v. Miami Heat Limited Partnership et al.</i> | 18 | Defendants Miami Heat Limited Partnership's and Basketball Properties Ltd.'s Motion to Dismiss Amended Complaint |
| 52. | July 18, 2011 | 3:11-cv-0226 | <i>Janvey, et al. v. PGA Tour Inc.</i> | 13 | Defendant PGA Tour, Inc.'s Motion to Dismiss Pursuant to Rules 12(b)(1) and 12(b)(6) |

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| 53. | September 28, 2011 | 3:11-cv-0770 | <i>Janvey et al. v. Rocketball, Ltd. et al.</i> | 11 | Defendant Rocketball, Ltd's Motion to Dismiss Plaintiffs' Amended Complaint |
| 54. | October 21, 2011 | 3:11-cv-0770 | <i>Janvey et al. v. Rocketball, Ltd. et al.</i> | 13 | Defendant Hoops, L.P.'s Motion to Dismiss Plaintiffs' Amended Complaint |
| 55. | November 4, 2011 | 3:11-cv-0295 | <i>Janvey et al. v. ATP Tour Inc.</i> | 16 | Defendant ATP Tour Inc.'s Motion to Dismiss Pursuant to Rules 12(b)(1) and 12(b)(6) |
| 56. | November 30, 2012 | 3:10-cv-1465 | <i>Janvey v. Merge Healthcare, Inc.</i> | 32 | Defendants Merge Healthcare, Inc., Amicas, Inc., and Emageon, Inc.'s Motion to Dismiss Plaintiffs' Second Amended Complaint |
| 57. | March 5, 2013 | 3:10-cv-1465 | <i>Janvey v. Merge Healthcare, Inc.</i> | 45 | Motion to Dismiss the Receiver's Second Complaint |
| 58. | May 24, 2013 | 3:10-cv-1955 | <i>Janvey v. Tonarelli</i> | 25 | Motion to Dismiss First Amended Complaint, and, in the Alternative, to Compel Arbitration |

Other Motions

Other Motions Pending in District Court

| | <u>Date Filed</u> | <u>Case No.</u> | <u>Case Name</u> | <u>Doc. No.</u> | <u>Motion</u> |
|-----|--------------------------|------------------------|------------------------------------|------------------------|--|
| 59. | February 3, 2011 | 3:10-cv-1394 | <i>Janvey v. Wieselberg et al.</i> | 13 | Receiver's Motion to Dismiss and Original Answer to Thomas L. Gourlay's Counterclaims |
| 60. | February 17, 2011 | 3:10-cv-1394 | <i>Janvey v. Wieselberg et al.</i> | 16 | Receiver's Motion to Dismiss and Original Answer to Cineyris J. Davila's Counterclaims |
| 61. | February 28, 2011 | 3:09-cv-0724 | <i>Janvey v. Alguire et al.</i> | 559 | Receiver's Motion to Strike and to Dismiss Former Employees' Counterclaim to Receiver's Second Amended Complaint |

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| 62. | March 9, 2011 | 3:10-cv-1973 | <i>Janvey v. Dillon Gage Inc. of Dallas et al.</i> | 14 | Receiver's Motion to Strike and to Dismiss Third-Party Claims and Counterclaims filed by Dillon Gage, Inc. of Dallas |
| 63. | July 2, 2012 | 3:09-cv-0724 | <i>Janvey v. Alguire et al.</i> | 825 | Receiver's Motion to Strike and to Dismiss Counter-Claim of Defendant Robert J. Bruno to Receiver's Second Amended Complaint |
| 64. | September 26, 2012 | 3:09-cv-0724 | <i>Janvey v. Alguire et al.</i> | 865 | Motion for Leave to File First Amended Answer to Receiver's Second Amended Complaint Against Former Stanford Employees and Counterclaim filed by John D. Orcutt |
| 65. | February 21, 2013 | 3:12-cv-4641 | <i>OSIC v. Greenberg Taurig, LLP et al.</i> | 30 | Motion to Join Antiguan Liquidators |
| 66. | June 27, 2013 | 3:12-cv-4641 | <i>OSIC v. Greenberg Taurig, LLP et al.</i> | 61 | Amended Motion to Strike and Dismiss Counterclaim and Third-Party Complaint |
| 67. | May 21, 2013 | 3:10-cv-0366 | <i>Janvey v. Venger et al.</i> | 358 | Sealed Motion to Appoint International Process Server |
| 68. | July 26, 2013 | 3:10-cv-0366 | <i>Janvey v. Venger et al.</i> | 377 | Seymour Defendants' Motion Set Aside Default |
| 69. | June 11, 2013 | 3:13-cv-0775 | <i>Janvey v. Alvarado et al.</i> | 22 | Robert S. Winter's Motion to Stay |
| 70. | September 13, 2013 | 3:13-cv-0775 | <i>Janvey v. Alvarado et al.</i> | 67 | Defendant Robert Glen Rigby's Rule 11 Motion to Strike |
| 71. | July 26, 2013 | 3:13-cv-0477 | <i>Janvey v. Proskauer Rose, LLP et al.</i> | 33 | Joint Motion to Substitute Counsel |
| 72. | July 30, 2013 | 3:09-cv-0298 | <i>SEC v. Stanford International Bank, Ltd, et al.</i> | 1900 | The Official Stanford Investors Committee's Motion for Approval of First Interim Fee Application of Padgett Stratemann |

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| 73. | August 30, 2013 | 3:09-cv-0298 | <i>SEC v. Stanford International Bank, Ltd. et al.</i> | 1909 | Receiver's Motion for Approval of Twenty-Fifth Interim Fee Application |
| 74. | September 23, 2013 | 3:11-cv-0297 | <i>Janvey et al. v. Romero</i> | 32 | Unopposed Motion to Set Aside Entry of Default |
| <u>Other Pending Motions Referred to Magistrate Judge Frost</u> | | | | | |
| | <u>Date Filed</u> | <u>Case No.</u> | <u>Case Name</u> | <u>Doc. No.</u> | <u>Motion</u> |
| 75. | August 10, 2012 | 3:11-cv-1177 | <i>Janvey v. Libyan Investment Authority et al.</i> | 89 | Receiver's Second Motion to Compel |
| 76. | September 7, 2012 | 3:11-cv-1177 | <i>Janvey v. Libyan Investment Authority et al.</i> | 96 | Defendants' Cross-Motion for a Protective Order |
| 77. | February 6, 2013 | 3:11-cv-1177 | <i>Janvey v. Libyan Investment Authority et al.</i> | 145 | Receiver's Motion to Compel Depositions |
| 78. | February 22, 2013 | 3:11-cv-1177 | <i>Janvey v. Libyan Investment Authority et al.</i> | 151 | Defendants' Motion to Strike Declaration of James C. Spindler |
| 79. | June 27, 2013 | 3:11-cv-0117 | <i>Janvey et al. v. IMG Worldwide, Inc.</i> | 42 | Defendants' Motion to Stay Discovery |
| 80. | July 15, 2013 | 3:11-cv-0117 | <i>Janvey et al. v. IMG Worldwide, Inc.</i> | 44 | Plaintiffs' Motion for Entry of a Scheduling Order |
| 81. | August 16, 2013 | 3:13-cv-0477 | <i>Janvey et al. v. Proskauer Rose et al.</i> | 37 | Defendants' Cross-Motion to Compel Discovery |
| 82. | September 16, 2013 | 3:11-cv-0301 | <i>Janvey et al. v. Brown</i> | 18 | OSIC's Motion to Compel Rule 26(f) Conference and for Entry of a Scheduling Order |
| 83. | September 18, 2013 | 3:10-cv-2584 | <i>Janvey et al. v. Alvarado</i> | 37 | OSIC's Motion to Compel Rule 26(f) Conference and for Entry of a Scheduling Order |

Dated: October 18, 2013

Respectfully submitted,

BAKER BOTTS L.L.P.

By: /s/ Kevin M. Sadler

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COURT-APPOINTED EXAMINER

CERTIFICATE OF SERVICE

On October 18, 2013, 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