

**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 FIFTH 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 Koenig.¹ 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.

¹ This advisory does not include those motions that have been fully briefed in cases stayed by agreement. The Receiver and OSIC will add those motions to future advisories if and when the relevant stays are lifted.

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

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>
2.	May 26, 2010	3:09-cv-2384	<i>Rotstain et al. v. Trustmark National Bank et al.</i>	28	HSBC's Motion to Dismiss for Lack of Personal Jurisdiction and Failure to State a Claim
3.	May 26, 2010	3:09-cv-2384	<i>Rotstain et al. v. Trustmark National Bank et al.</i>	31	Toronto-Dominion Bank's Motion to Dismiss
4.	May 26, 2010	3:09-cv-2384	<i>Rotstain et al. v. Trustmark National Bank et al.</i>	36	Trustmark National Bank's Motion to Dismiss
5.	May 27, 2010	3:09-cv-2384	<i>Rotstain et al. v. Trustmark National Bank et al.</i>	39	Bank of Houston's Motion to Dismiss
6.	July 10, 2013	3:09-cv-2384	<i>Rotstain et al. v. Trustmark National Bank et al.</i>	154	Bank of Houston's Motion to Dismiss the Intervenor Complaint
7.	July 10, 2013	3:09-cv-2384	<i>Rotstain et al. v. Trustmark National Bank et al.</i>	159	Toronto-Dominion Bank's Motion to Dismiss the Intervenor Complaint

8.	July 10, 2013	3:09-cv-2384	<i>Rotstain et al. v. Trustmark National Bank et al.</i>	162	Trustmark National Bank's Motion to Dismiss the Intervenor Complaint
9.	April 25, 2011	3:13-cv-0775	<i>Janvey v. Alvarado et al.</i>	Doc. 13 (from 3:10-cv-2583)	Defendants Daniel T. Bogar and Brandilyn D. Bogar's Motion to Dismiss Plaintiffs' First Amended Complaint
10.	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
11.	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
12.	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
13.	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
14.	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
15.	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
16.	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
17.	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
18.	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

19.	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
20.	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
21.	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
22.	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
23.	July 29, 2011	3:11-cv-0298	<i>The Official Stanford Investors Committee v. Cort & Cort et al.</i>	11	Cort & Cort's Motion to Dismiss for Lack of Personal Jurisdiction
24.	August 21, 2012	3:10-cv-2584	<i>Janvey v. Alvarado</i>	30	Defendant Pablo M. Alvarado's Motion to Dismiss Receiver's Complaint
25.	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)

26.	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)
27.	June 12, 2014	3:10-cv-0527	<i>Janvey v. Barnes et al.</i>	86	Third-Party Defendant Chesapeake Enterprises, Inc.'s Motion to Set Aside Scheduling Order and Stay Discovery Pending Ruling on its Motion to Dismiss
28.	December 3, 2012	3:11-cv-0299	<i>Janvey et al. v. Castaneda</i>	22	Defendant's Motion to Dismiss the Complaint
29.	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
30.	February 21, 2013	3:12-cv-4641	<i>OSIC v. Greenberg Traurig, LLP et al.</i>	27	Greenberg Traurig's Motion for Partial Dismissal and, Subject Thereto, Original Answer
31.	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
32.	May 10, 2013	3:12-cv-4641	<i>OSIC v. Greenberg Traurig, LLP et al.</i>	56	Defendant Yolanda Suarez's Motion to Dismiss
33.	April 18, 2014	3:12-cv-4641	<i>OSIC v. Greenberg Traurig, LLP et al.</i>	90	Hunton & Williams' Motion to Dismiss Claims Asserted by the Putative Class and its Representatives
34.	July 29, 2013	3:11-cv-1659	<i>Janvey et al. v. Rincon</i>	17	Defendant Juan Alberto Rincon's Motion to Dismiss
35.	February 28, 2014	3:13-cv-3980	<i>OSIC et al. v. Willis of Colorado, Inc. et al.</i>	19	Willis's Motion to Dismiss Plaintiffs' First Amended Complaint
36.	February 28, 2014	3:13-cv-3980	<i>OSIC et al. v. Willis of Colorado, Inc. et al.</i>	25	Amy Baranoucky's Motion to Dismiss

37.	February 28, 2014	3:13-cv-3980	<i>OSIC et al. v. Willis of Colorado, Inc. et al.</i>	30	Bowen's Motion to Dismiss Plaintiffs' First Amended Complaint
38.	February 28, 2014	3:13-cv-3980	<i>OSIC et al. v. Willis of Colorado, Inc. et al.</i>	32	Winter's Motion to Dismiss Plaintiffs' First Amended Complaint

**Motions to Dismiss Receiver's or OSIC's Complaint Pending
in District Court in Cases Currently on Appeal**

39.	June 26, 2014	3:10-cv-0366	<i>Janvey v. Venger et al.</i>	417	Agreed Motion to Dismiss with Prejudice Claims against Maria Quintero de Peralta
40.	July 3, 2014	3:10-cv-0366	<i>Janvey v. Venger et al.</i>	419	Agreed Motion to Dismiss with Prejudice Claims against the Miltons

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

41.	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
42.	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
43.	April 6, 2011	3:10-cv-1002	<i>Janvey v. Fernandez et al.</i>	57	Defendant R. Glen Sherrill, Jr.'s Motion to Dismiss
44.	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

45.	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
46.	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
47.	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.'s Motion to Dismiss
48.	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's Motion to Dismiss
49.	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
50.	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
51.	January 27, 2014	3:13-cv-0760	<i>OSIC v. Antigua and Barbuda</i>	11	Antigua and Barbuda's Motion to Dismiss for Lack of Jurisdiction
52.	March 26, 2014	3:13-cv-0762	<i>OSIC v. Bank of Antigua et al.</i>	18	Antigua and Barbuda's Motion to Dismiss for Lack of Jurisdiction and Failure to State a Claim

<u>Other Motions</u>					
<u>Other Motions Pending in District Court</u>					
	<u>Date Filed</u>	<u>Case No.</u>	<u>Case Name</u>	<u>Doc. No.</u>	<u>Motion</u>
53.	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
54.	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
55.	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
56.	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
57.	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
58.	January 10, 2014	3:09-cv-0724	<i>Janvey v. Alguire et al.</i>	1016	Motion to Compel Arbitration for Anguiano Defendants
59.	January 12, 2014	3:09-cv-0724	<i>Janvey v. Alguire et al.</i>	1019	Motion to Compel Arbitration for Rawl and Tidwell
60.	January 14, 2014	3:09-cv-0724	<i>Janvey v. Alguire et al.</i>	1020	Estra's Motion to Compel Arbitration
61.	January 22, 2014	3:09-cv-0724	<i>Janvey v. Alguire et al.</i>	1025	Motion to Compel Arbitration for Orcutt

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.	May 10, 2012	3:09-cv-0298	<i>SEC v. SIB, et al.</i>	1592	Beverly DeLoach's Motion to Permit FINRA Arbitration Claim Number 09-00998 to Proceed Against Certain Named Individuals
64.	October 4, 2013	3:09-cv-0298	<i>SEC v. SIB, et al.</i>	1923	Motion for Decision and Objection to Amended Notice of Claim Determination Regarding Response Filed by ATP Tour, Inc.
65.	April 24, 2014	3:09-cv-0298	<i>SEC v. SIB, et al.</i>	2002	Robert Allen Stanford's Action in Equity and Motion to Vacate Order on Motion for Summary Judgment
66.	April 15, 2013	3:12-cv-4641	<i>OSIC v. Greenberg Traurig, LLP et al.</i>	51	Hunton & Williams, LLP's Motion to Join the Antiguan Liquidators or, in the Alternative, to Dismiss
67.	May 10, 2013	3:12-cv-4641	<i>OSIC v. Greenberg Traurig, LLP et al.</i>	55	Yolanda Suarez's Motion to Join the Antiguan Liquidators or, in the Alternative, to Dismiss
68.	June 27, 2013	3:12-cv-4641	<i>OSIC v. Greenberg Traurig, LLP et al.</i>	61	Amended Motion to Strike and Dismiss Counterclaim and Third-Party Complaint
69.	May 21, 2013	3:10-cv-0366	<i>Janvey v. Venger et al.</i>	358	Sealed Motion to Appoint International Process Server
70.	July 26, 2013	3:13-cv-0477	<i>Janvey v. Proskauer Rose, LLP et al.</i>	33	Joint Motion to Substitute Counsel
71.	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

72.	May 30, 2014	3:13-cv-0775	<i>Janvey v. Alvarado et al.</i>	99	Receiver's Motion to Sever and Consolidate Receiver's Claims against Pablo M. Alvarado
73.	December 12, 2013	3:12-cv-0495	<i>Janvey v. Adams & Reese, et al.</i>	69	Plaintiff's Motion for Substitution of Party
74.	December 16, 2013	3:12-cv-0495	<i>Janvey v. Adams & Reese, et al.</i>	71	Defendant Cordell Haymon's Motion for Leave to Designate Responsible Third Parties
75.	January 2, 2014	3:12-cv-0495	<i>Janvey v. Adams & Reese, et al.</i>	73	Frazer's Motion to Quash for Insufficient Service of Process and Service of Process of Plaintiffs' Motion for Substitution of Party and, Subject Thereto, Response in Opposition to Plaintiff's Motion for Substitution
76.	February 6, 2014	3:12-cv-0495	<i>Janvey v. Adams & Reese, et al.</i>	82	Breazale, Sasche, & Wilson, LLP's Motion to Join, in Part, Defendant Cordell Haymon's Motion for Leave to Designate Responsible Third Parties
77.	February 7, 2014	3:12-cv-0495	<i>Janvey v. Adams & Reese, et al.</i>	84	Reynaud's Motion to Join, in Part, Defendant Cordell Haymon's Motion for Leave to Designate Responsible Third Parties
78.	February 13, 2014	3:11-cv-0292	<i>Janvey v. Giusti</i>	77	Luis Giusti's Motion to Compel Arbitration
79.	March 17, 2014	3:09-cv-2384	<i>Rotstain et al. v. Trustmark National Bank et al.</i>	182	Class Plaintiffs' Motion for Leave to Amend Complaint
80.	April 17, 2014	3:09-cv-0559	<i>Pre-War Art v. Stanford Coins & Bullion et al.</i>	255	Defendants' Joint Motion for Entry of Final Judgment
81.	April 28, 2014	3:12-cv-4641	<i>OSIC v. Greenberg Traurig, LLP et al.</i>	90	Suarez's Motion to Consolidate Cases

Other Pending Motions Referred to Magistrate Judge Koenig

	<u>Date Filed</u>	<u>Case No.</u>	<u>Case Name</u>	<u>Doc. No.</u>	<u>Motion</u>
82.	August 10, 2012	3:11-cv-1177	<i>Janvey v. Libyan Investment Authority et al.</i>	89	Receiver's Second Motion to Compel
83.	September 7, 2012	3:11-cv-1177	<i>Janvey v. Libyan Investment Authority et al.</i>	96	Defendants' Cross-Motion for a Protective Order
84.	February 6, 2013	3:11-cv-1177	<i>Janvey v. Libyan Investment Authority et al.</i>	145	Receiver's Motion to Compel Depositions
85.	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
86.	August 16, 2013	3:13-cv-0477	<i>Janvey et al. v. Proskauer Rose et al.</i>	37	Defendants' Cross-Motion to Compel Discovery
87.	April 9, 2014	3:13-cv-0762	<i>OSIC v. Bank of Antigua et al.</i>	20	Plaintiffs' Cross-Motion for Leave to Conduct Jurisdictional Discover of Defendant Eastern Caribbean Central Bank and to Extend Deadline to Respond to Motion to Dismiss Until Completion of that Discovery

Dated: July 10, 2014

Respectfully submitted,

BAKER BOTTS L.L.P.

By: /s/ Kevin M. Sadler

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COURT-APPOINTED EXAMINER

CERTIFICATE OF SERVICE

On July 10, 2014, 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