

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

SECURITIES AND EXCHANGE  
COMMISSION

*Plaintiffs,*

v.

STANFORD INTERNATIONAL  
BANK, LTD., ET AL.

*Defendants.*

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Case NO.: 3:09-cv-0298-N

**EMERGENCY MOTION FOR PRODUCTION OF DOCUMENTS**

Movant R. Allen Stanford (“Stanford”), upon the specific instruction of Hon. Nancy Atlas, Judge of the United States District Court for the Southern District of Texas, makes this Request for Production of Attorney-Client files of R. Allen Stanford individually, Stanford Financial Group and other Stanford companies, and with the agreement of the Receiver asks that this Request be considered by the Court on an emergency basis.

**History and background:**

1. Movant is a party to Case No. 4:09-cv-03712, styled Pendergest-Holt, R. Allen Stanford, Gilberto Lopez Jr., Mark Kuhrt v. Certain Underwriters at Lloyd's of London and Arch Specialty Insurance Company, which is pending in the Court of Judge Atlas.
2. The action pending in Judge Atlas' court is whether Underwriters at Lloyds' on a policy of Directors' and Officers' Liability Insurance are obligated to pay attorneys' fees and expenses necessary to defend Movant and other officers and directors of Stanford companies against claims made in numerous jurisdictions and before many tribunals arising out of their service to the Stanford companies.
3. Trial of the coverage case has been set in August 2010.
4. Judge Atlas has ordered that all discovery in that case be conducted on an expedited basis.
5. While examining documents produced in other, but related, matters counsel for Movant discovered that Akin Gump, who are counsel for the Lloyds' underwriters on the D&O policy, may also be either witnesses in this case (the coverage case) and in the criminal action or were counsel for Mr. Stanford, Stanford Financial Group and related entities and may have a conflict of interest.

6. R. Allen Stanford wrote Judge Atlas a letter indicating Akin Gump's representation of Stanford Financial Group. "Exhibit A"
7. It is admitted by Akin Gump that the firm represented Stanford Financial Group in investments funded by Stanford International Bank, which investments were carried in Tier 3 of the SIB investment portfolio. It therefore appears, on the face of the documents, that Akin Gump has knowledge that at least some of the SIB Tier 3 investments either were part of a securities fraud, ponzi scheme, or money laundering scheme as alleged by the government in both this case and in the criminal case pending, or that Akin Gump had given legitimate legal advice that forms the basis of Stanford Business activities and was relied upon by Mr. Stanford to the extent that he asserts good faith reliance upon legal advice. Either way the requested documents are necessary for the coverage case and the criminal case.
8. Based upon this information, on Friday June 15, 2010 Coverage Counsel for Mr. R. Allen Stanford filed an Emergency Motion to Compel Akin Gump Hauer & Feld LLP ("Akin Gump") to furnish any and all attorney-client files and/or records of R. Allen Stanford, Stanford Financial Group and other Stanford companies under expedited conditions within two days or a reasonable period not to exceed five (5) days. "Exhibit B"
9. The Motion to Compel was granted by Judge Nancy Atlas. "Exhibit C"

10. Akin Gump then filed an Emergency Motion for Reconsideration of Judge Atlas' Order or, Alternatively, Motion for Protective Order., contending that her Order was inconsistent with orders previously entered by this Court in this action. "Exhibit D"
11. Movant filed a reply. "Exhibit E."
12. The Receiver, through counsel, appeared and participated in the hearing on Akin Gump's Motion for Reconsideration, also contending that only this Court could release the documents requested in the coverage case pending before Judge Atlas.
13. Judge Atlas, in a telephone conference on June 15, 2010 deferred Movant's request to this Court, and directed that Movant file this motion on an expedited basis.
14. Counsel for the receiver agreed that this Court should consider the Motion on an Emergency basis given the schedule set by Judge Atlas.

**Request**

15. Movant therefore requests that this Court release the attorney-client file of R. Allen Stanford individually, Stanford Financial Group, and all other Stanford companies to Mr. Stanford's attorney in the coverage case and criminal case, Robert S. Bennett. Mr. Stanford's Counsel is seeking these files to determine whether Akin Gump or any of its attorneys may have a disqualifying conflict of interest or, alternatively, whether any may be a witness in this matter, the criminal action, or other related



**CERTIFICATE OF CONFERENCE**

On June 16, 2010 at 8:58AM Robert S. Bennett contacted counsel for the receiver, Kevin M. Sadler. Mr. Sadler informed us that he would be willing to confer over whether or not he would turn over documents after having an opportunity to review them. He will be receiving the documents from Akin Gump either on the evening of June 16, 2010 or on morning of June 17, 2010. He expects he will have reviewed the documents by Friday, June 18, 2010. He informed us that if he is not done reviewing the documents turned over by Friday, June 18, 2010 he will communicate this with us. It is our understanding that Akin Gump will not be turning over the 800,000+ emails they mentioned were in their possession and therefore, we may in the future request emails. Furthermore, because of the 24 hour deadline for filing this request in this Court issued by Judge Atlas we have not complied with local rule 7.1(d) which requires citing law and authority. N.D.Tex. (Dallas), Loc. R. 7.1(d). However, a supplement will be provided.

June 16, 2010

Respectfully Submitted,

/s/ Robert S. Bennett  
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