

Underwriters only after conducting a conflicts check and determining that the firm did not have any conflicts of interest in this engagement.²

On June 9, 2010, Mr. Stanford requested that Akin Gump produce all documents in its possession arising out of Akin Gump's prior representations of Mr. Stanford or the various Stanford Entities.³ Akin Gump promptly informed Mr. Stanford that it never represented him in his individual capacity and only had limited engagements with a few Stanford Entities on matters that were not related to the same issues involved in the Coverage Action.⁴ Counsel for Underwriters also asked Stanford's counsel to contact the Receiver to obtain his consent to Mr. Stanford's request. Nevertheless, Akin Gump gathered the hard copy files (which includes copies of all electronic documents) related to those limited engagements with Stanford Entities. Neither Akin Gump nor Underwriters oppose the production of those files to the Receiver or Mr. Stanford.

However, Akin Gump also located more than 800,000 emails from the attorneys who previously have billed on Stanford Entity matters (the "Archived Emails"). Because these Archived Emails are not segregated by client, Akin Gump must first search these emails with a list of keywords, and then attorneys must manually review each email to cull out those related to the Stanford Entities.⁵ Such a task would take a significant amount of time and impose a

² See Exhibit F to Docket No 1100.

³ *Id.*

⁴ See *id.*

⁵ See Exhibit F to Docket No. 1100.

considerable burden on Akin Gump—particularly in light of the limited nature of the firm’s prior engagements with the Stanford Entities.⁶

During a June 15, 2010 telephonic hearing concerning Mr. Stanford’s request for Akin Gump’s documents, Judge Atlas recognized that the firm’s prior engagements with the Stanford Entities appeared to be collateral to the issues before her court.⁷ Accordingly, Judge Atlas—while recognizing this Court’s jurisdiction and authority over the Receivership Estate—indicated that it was her view that Akin Gump need not produce the Archived Emails at this time. Mr. Stanford’s counsel, Bob Bennett, seemingly recognized as much given that his Certificate of Conference notes, “[i]t is out 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 (sic) these emails.”⁸ Nevertheless, Mr. Stanford’s motion asks this Court to order Underwriters to produce “*all* client files” including “[a]ttorney work product, notes, emails, communications and any other items of Mr. Stanford, Stanford Financial Group or its affiliate companies.”⁹

As noted above, Underwriters, and their counsel Akin Gump, do not oppose the production of all hard copy files related to its prior representations of Stanford Entities. However, Underwriters and their counsel respectfully request that this Court’s deny Mr. Stanford’s request to the extent it requires Akin Gump to produce its Archived Emails related to its representations of the Stanford Entities.

⁶ A list of Akin Gump’s prior representations of Stanford Entities along with a brief description of those representations can be found in the Declaration of Barry A. Chasoff, which is attached as Exhibit F to Docket No. 1100.

⁷ Underwriters have ordered a copy of this hearing transcript on an expedited basis. As soon as this transcript is finalized, Underwriters will file a copy of the relevant portions of the transcript with this Court.

⁸ Docket No. 1100.

⁹ *Id.* (emphasis in original).

UNDERWRITERS’ RESPONSE TO EMERGENCY MOTION FOR PRODUCTION OF DOCUMENTS

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document and has been served on all known counsel of record via the Court's electronic filing system this 16th day of June, 2010.

/s/ Barry A. Chasnoff
BARRY A. CHASNOFF

UNDERWRITERS' RESPONSE TO EMERGENCY MOTION FOR PRODUCTION OF DOCUMENTS