

Order seeks or has the effect of restraining, enjoining or otherwise abrogating any rights he has to make a claim against the Receiver.

The Receiver, in his proposed Amended Order, adds the following language (in italics) to Paragraph 9, section (a):

9. Creditors and all other persons are hereby restrained and enjoined from the following actions, except in this Court and with leave of this Court, unless this Court, consistent with general equitable principals and in accordance with its ancillary equitable jurisdiction in this matter, orders that such actions may be conducted:

(a) The commencement or continuation, including the issuance or employment of process, of any judicial, administrative, or other proceeding against the Receiver, any of the defendants, *any entity within the Receivership Estate, any current or former agent, officer, or employee of the Receivership Estate or of any entity within the Receivership Estate, Pershing LLC, and/or SEI Investment Company arising from the subject matter of this civil action;*³

...

Further, the Receiver adds the following language (in italics) to Paragraph 10, section (c):

10. Creditors and all other persons are hereby restrained and enjoined, without prior approval of the Court, from:

...

³ Rec. Doc. 958-2, at p. 7.

- (c) Any act to collect, assess, establish, litigate or recover a claim against the Receiver, where such claim would attach to or encumber the Receivership Estate *or create or impose an obligation upon the part of the Receivership Estate;*⁴

...

Mr. Stanford objects to the extent that this language in the proposed Amended Order seeks to prevent, enjoin, or otherwise restrain Mr. Stanford's ability to file any individual claims he may have against the Receiver, including but not limited to, bad faith, negligence, or breach of fiduciary duty claims against the Receiver; or claims Mr. Stanford would have to recover assets allegedly untainted by fraud that are part of the Receivership Estate.

Dated: February 4, 2010

Respectfully submitted,

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⁴ *Id.* at p. 8.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent those indicated as non-registered participants on February 4, 2010.

/s/Ruth Brewer Schuster