

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

RALPH S. JANVEY, IN HIS	§	
CAPACITY AS COURT-APPOINTED	§	
RECEIVER FOR THE STANFORD	§	
INTERNATIONAL BANK, LTD., et al	§	Civil Action No.
Plaintiff,	§	3:10-cv-527
v.	§	
	§	
BEN BARNES AND BEN BARNES	§	
GROUP, L.P.,	§	
Defendants.	§	

**DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A  
CLAIM PURSUANT TO FED. R. CIV. P. 12(B)(6) AND BRIEF IN SUPPORT**

Defendants Ben Barnes ("Barnes") and Ben Barnes Group, L.P. ("BBG, L.P.") file this their Motion to Dismiss for Failure to State a Claim Pursuant to Fed. R. Civ. P. 12(b)(6) and Brief in Support asking the court to dismiss all causes of action asserted by Plaintiff Ralph S. Janvey, in his capacity as court appointed receiver for the Stanford International Bank, Ltd. ("Plaintiff" or "Receiver"), against Barnes and BBG, L.P., and that the Court grant the Barnes and BBG, L.P. any other relief to which they are entitled.

As is discussed in detail in Defendants' Brief in Support of this Motion, grounds of dismissal exist as to BBG, L.P. because of Plaintiff's failure to plead a plausible claim, and as to Barnes because Plaintiff's Complaint is devoid of facts demonstrating any basis upon which Barnes could be personally liable for Plaintiff's claim for disgorgement.

Respectfully submitted

**WINSTEAD PC**

By: /s/ Jay J. Madrid

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ATTORNEYS FOR DEFENDANT BEN BARNES  
& BEN BARNES GROUP, L.P.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of April, 2010, I electronically filed the foregoing document with the Clerk of the Court, using the CM/ECF system, and that I have served all counsel of record via certified mail, return receipt requested. .

/s/ Jay J. Madrid  
Jay J. Madrid