

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

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In re : Chapter 15
Stanford International Bank, Ltd., : Case No. 09-0721 (DCG)
Debtor in a Foreign Proceeding. :
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**LIQUIDATORS' MOTION FOR LEAVE TO FILE
TWO COURT ORDERS AS SUPPLEMENTAL SUPPORT**

Liquidators Peter Wastell and Nigel Hamilton-Smith (collectively, "Liquidators"), move for permission to file two court orders, one from the court in the United Kingdom ("UK Order" and attached hereto as Ex. A) and one from Judge Hittner in the United States District Court for the Southern District of Texas that revokes Allen Stanford's bail and makes findings of fact and conclusions of law ("Hittner Order" and attached hereto as Ex. B), in further support of their Petition for Recognition of Foreign Main Proceeding Pursuant to Chapter 15 of the Bankruptcy Code ("Petition"). The UK Order was issued on July 3, 2009, after the Liquidators filed their reply, and finds the following:

1. Stanford International Bank's ("SIB") center of main interest ("COMI") is in Antigua; and
2. The Liquidators are recognized as foreign representatives of a foreign main proceeding.

The Liquidators submit the UK Order as further support of their Petition that this Court should find that COMI is in Antigua.¹

¹ Section 1518 of the Bankruptcy Code provides "From the time of filing the petition for recognition of a foreign main proceeding, the foreign representative shall file with the court promptly a notice of change of status concerning - (1) any substantial change in the status of such foreign proceeding or the status of the foreign representative's appointment; and (2) any other foreign proceeding regarding the debtor that becomes known to the

The Hittner Order was issued on June 30, 2009 after the Liquidators filed their reply.

The Hittner Order makes multiple findings of facts and conclusions of law regarding Allen Stanford's residency that refute the principal argument made by the U.S. Receiver and the SEC in their opposition to the Petition. Both the U.S. Receiver and the SEC argued that Allen Stanford was one of the primary decision-makers of SIB and that he resided in the United States. The Hittner Order on the other hand finds that Allen Stanford's primary residence was in Antigua and that he was almost in a constant state of travel. The Hittner Order states the following:

1. Stanford poses a significant risk to flee because of his "longstanding ties to a country other than United States – Antigua and Barbuda, his primary residence for the past fifteen years" and that "although a U.S. citizen, [he] is also a citizen of Antigua and Barbuda and resided in that island nation for at least the past fifteen years" (Hittner Order ¶¶ 44, 27 n.5);

2. "Stanford has lived primarily outside the United States for at least the last fifteen (15) years prior to the February 2009 filing of the SEC civil proceedings against him" (Hittner Order ¶ 3);

3. Stanford's travels over a five-year period shows that "Stanford hop-scotched the globe over this five-year period, remaining in one city or country for only extremely limited duration" (Hittner Order ¶ 11n.3); and

4. Stanford's ties to Houston are "illusory," "of recent vintage," and were made to establish residency for impending trial while stating "[m]oreover, Stanford's longterm residence is Antigua and his frequent travels across the globe and to multiple foreign countries belie his contention that he has strong ties to Houston" (Hittner Order ¶¶ 39-42).

The Hittner Order therefore provides further support that COMI is in Antigua.

For these reasons, Liquidators respectfully request that the Court grant them leave to file the attached two orders in further support of their Petition and that the Court consider these two orders in determining COMI for SIB.

(continued...)

foreign representative." 11 U.S.C. 1518. While it is unclear that section 1518 applies to the UK Order, the Liquidators bring this section to the Court's attention as an additional reason why the Liquidators should be allowed to file the order.

Dated: July 6, 2009.

Respectfully submitted,

/s/ Weston C. Loegering

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Attorneys for Nigel Hamilton-Smith and
Peter Wastell as Liquidators of Stanford
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CERTIFICATE OF CONFERENCE

I hereby certify that on July 6, 2009, counsel for Liquidators conferred with counsel for the SEC, the U.S. Receiver, the Examiner, Mr. Stanford, Ms. Pendergest-Holt and the IRS regarding the relief requested in this Motion. Counsel to the SEC, the U.S. Receiver, the Examiner and the IRS stated that they do not oppose the relief requested in the Motion, but counsel to the SEC, the IRS and the U.S. Receiver indicated that they do, or may, oppose the Liquidators on the merits. As of the time of the filing of this Motion, Liquidators have not received a response from counsel to Mr. Stanford or counsel to Ms. Pendergest-Holt.

Bob Jud

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Bob Jud

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