

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

IN RE

Stanford International Bank, Ltd.

Debtor in a Foreign Proceeding

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Case No.: 3-09-CV-0721-N

**THE RECEIVER’S MOTION FOR LEAVE TO FILE
SUPPLEMENTAL EVIDENCE**

The Receiver, in connection with his response in opposition to the Antiguan Liquidators’ motion for recognition under Chapter 15 of the U.S. Bankruptcy Code, moves for leave to file the attached items of supplemental evidence that have come to light since the Receiver’s initial response. The additional items, listed below, are relevant in determining the “center of main interests” of Stanford International Bank Limited (SIBL).

- **Exhibit A, Supplemental Affidavit of Karyl Van Tassel.** This concerns the discovery that SIBL’s external auditor, C.A.S. Hewlett, received substantial monthly payments from a Stanford Swiss bank account over and above his professional fees, which were separately paid from an account at Trustmark Bank in Houston. The payments to Hewlett from the Swiss account were £15,000 per month until June 2008, when they were increased on orders of Jim Davis to £20,000 per month. This new evidence is relevant because Mr. Nigel Hamilton-Smith, one of the Antiguan Liquidators, asserts that SIBL’s COMI was in Antigua, in part because “[w]hile false information and documentation may have been provided to the auditors from the United States, the audits for SIB were

conducted exclusively in Antigua, by Antiguan employees and an Antiguan external auditor without supervision or oversight from any United States entity.” Hamilton-Smith Supplemental at ¶ 20. This new evidence demonstrates that the Antiguan audits were not “objective and ascertainable” facts linking SIBL to Antigua, but were instead part of the mass deception, directed from the United States, that was being worked on investors and other creditors.

- **Affidavits and documents attached to the proposed Northern District of Texas class action styled *Troice et al, v. Willis of Colorado, Inc., et al.***
 - The following documents are relevant in that they demonstrate that SIBL CDs were sold based on SIBL’s connection with the United States.
- **Exhibit B, January 12, 1996 letter from Rossana Roys, a Stanford Financial Group Vice President in Houston, to a customer in Monterrey, Mexico, with Affidavit of Translation.** This letter represents, among other things, that “Stanford International Bank Ltd., based on Antigua, West Indies, belongs to our Group, Stanford Financial Group, which is a totally American company based in Houston, Texas.”
- **Exhibit C, a Spanish-language Stanford information sheet (with affidavit of translation) purporting to answer the question, “What protection offers Stanford International Bank to its depositors?”** This emphasizes the liquid and globally-diversified nature of SIBL’s assets. While it notes that SIBL has no FDIC coverage, it instead emphasizes NASD and SIPC coverage:

“NASD and SIPC, are two safety entities that are utilized by the New York stock exchange, where Stanford Group is a member, which insure that the financial companies that invest the funds of their clients in financial instruments of

any kind that are traded in the stock exchange, be invested in companies that represent for the stock exchange of high security and trust for these two supervision and guarantee entities in the stock exchange markets, measuring firmness and safety so that the funds utilized be well invested.

Stanford International Bank is probably the only International Bank that offers this type of security to its clients.”

- **Exhibit D, a second Spanish-language Stanford information sheet (with affidavit of translation) purporting to address the issue of “Safety.”** This represents that investments in SIBL are safe because they are insured by insolvency guarantee and fidelity policies issued by American insurance companies (Great American Insurance Company and General Star Indemnity Co.) that are managed by “Bowen, Miclette, Descant & Britt, a subsidiary company of SEDGWICK JAMES OF HOUSTON, who is one of the main insurance brokers in the world.” It invites potential investors to call Mr. Robert Winter of Bowen, Miclette in Houston for confirmation.
- **Exhibit E, a series of annual letters from U.S. insurance brokers (first Bowen, Miclette, Descant & Britt in Houston and then Willis of Colorado in Denver).** These letters reassured investors that

“[i]n order to qualify for the above coverages, the [SIBL] underwent a stringent Risk Management review conducted by an outside audit firm. We have found that all our dealings with the Bank have been conducted in a professional and satisfactory manner.”

PRAYER

The Receiver requests leave to file the attached documents as supplemental evidence herein for the Court’s consideration in connection with the Antiguan Liquidators’

motion for recognition under Chapter 15. The Receiver requests such other relief to which he may be justly entitled.

Dated: July 14, 2009

Respectfully submitted,

BAKER BOTTS L.L.P.

By: /s/ Kevin M. Sadler

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**ATTORNEYS FOR RECEIVER
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CERTIFICATE OF CONFERENCE

I hereby certify that on July 13 & 14, 2009, counsel for the Receiver conferred with Wes Loegering, counsel for the Liquidators, on the substance of the foregoing motion and the proposed relief. Mr. Loegering indicated that the Liquidators do not oppose the relief sought herein. Counsel for the Securities and Exchange Commission, Laura Pendergest-Holt, James M. Davis, the U.S. Internal Revenue Service and court-appointed Examiner, John Little, are not opposed. Counsel for Allen Stanford has indicated that Mr. Stanford is opposed. Thus this motion is opposed.

/s/ Kevin M. Sadler

Kevin M. Sadler

CERTIFICATE OF SERVICE

On July 14, 2009 I electronically submitted the foregoing document with the clerk of the court of the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served the Court-appointed Examiner, all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Kevin M. Sadler

Kevin M. Sadler