

No. 23-10689

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

SECURITIES AND EXCHANGE COMMISSION, et al.,
Plaintiffs,

v.

ROBERT ALLEN STANFORD,
Defendant-Appellant,

v.

RALPH S. JANVEY, in His Capacity as Court-Appointed Receiver for the
Stanford Receivership Estate; OFFICIAL STANFORD INVESTORS
COMMITTEE; SOCIETE GENERALE PRIVATE BANKING (SUISSE) S.A.;
BLAISE FRIEDLI,
Appellees.

On Appeal from the United States District Court
for the Northern District of Texas, Dallas Division
Civil Action No. 3:09-cv-00298-N

APPELLEE-RECEIVER'S MOTION TO DISMISS APPEAL

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CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Fifth Circuit Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal:

1. Ralph S. Janvey, in His Capacity as Court-Appointed Receiver for the Stanford International Bank Limited, et al.
2. Robert Allen Stanford (pro se)
3. Société Générale Private Banking (Suisse) S.A.
4. Blaise Friedli
5. Official Stanford Investors Committee
6. Counsel for Ralph S. Janvey, Court-Appointed Receiver: Baker Botts L.L.P. (Kevin M. Sadler, Scott D. Powers, and Stephanie F. Cagniard)
7. Counsel for Société Générale Private Banking (Suisse) S.A.: Skadden Arps Slate Meagher & Flom (Noelle M. Reed)
8. Counsel for Blaise Friedli: Morgan Lewis and Bockius (Brian A. Herman)
9. Counsel for Official Stanford Investors Committee: Butzel Long, P.C. (Peter Daniel Morgenstern and Joshua E. Abraham); Friedman Kaplan

Seiler Adelman & Robbins, LLP (Scott M. Berman, Philippe Adler, David J. Ranzenhofer, and Geoffrey Cajigas)

Dated: July 5, 2023

/s/ Kevin M. Sadler

Kevin M. Sadler

*Counsel of Record for Appellee
Ralph S. Janvey, Court-Appointed
Receiver*

MOTION

Pursuant to Fifth Circuit Rule 42.2, Ralph S. Janvey, in his capacity as Court-Appointed Receiver for the Stanford International Bank, Limited (the “Receiver”), respectfully moves to dismiss the frivolous appeal of *pro se* Appellant Robert Allen Stanford (“Mr. Stanford”) from an order of the United States District Court of the Northern District of Texas approving a \$157 million settlement (“Settlement”) between the Receiver, the Official Stanford Investors Committee (“OSIC”), Société Générale Private Banking (Suisse) S.A. (“SG”), and former SG employee Blaise Friedli.¹

This Settlement is the second in a series of five similar settlements reached by the Receiver and OSIC with each of the five financial institutions that provided banking services to Mr. Stanford and the companies he operated as part of his multi-billion-dollar Ponzi scheme.

The first two settlements considered by the district court were the \$100 million settlement with Trustmark National Bank (“Trustmark Settlement”) and this \$157 million Settlement with SG. Mr. Stanford lodged identical objections to both of these settlements in the district court. *See* App.9

¹ Given that Mr. Stanford is incarcerated pursuant to a 110-year sentence, it is not practical for the Receiver to contact him prior to filing this motion, as required under Fifth Circuit Rule 27.4. However, as Mr. Stanford filed this appeal and objected to the Receiver’s motion to dismiss his earlier similar appeal, he is likely opposed to this motion to dismiss the appeal.

(Trustmark Settlement) (“[T]his proceeding challenges the Receiver’s unlawful . . . relocation . . . of his ‘principle [sic] place of business’ . . . from the . . . (Northern District of Texas) to a foreign district . . . outside this Court’s territorial boundaries and jurisdiction”); App.14–15 (SG Settlement) (same).

Neither of Mr. Stanford’s objections in any way concerned the terms of the settlements themselves. Instead, Mr. Stanford raised identical challenges to the district court’s jurisdiction over the entire 14-year Receivership proceeding—objections that the district court had previously rejected. App.65 & n.7; App.145. The district court approved both settlements over Mr. Stanford’s identical objections. *See* App.23–34 (approving Trustmark Settlement); App.36–46 (approving SG Settlement).

Mr. Stanford has already appealed the \$100 million Trustmark Settlement on the same frivolous grounds he asserted in the district court and in this appeal. *Compare* App.50–51 *with* Notice of Appeal, at 2 (Doc. 1). Mr. Stanford also states that he will appeal the three remaining settlements that have yet to be approved. Notice of Appeal, at 2 (Doc. 1) (“Because this appeal concerns the (second) in a[] . . . series of . . . settlement agreements ,

each with an in-common and dispositive issue . . . , Appellant suggests that the Court . . . consolidate this and all other future appeals in this matter.”).²

Mr. Stanford’s appeals of the Trustmark Settlement and the SG Settlement raise identical, frivolous challenges to the district court’s jurisdiction over the Receivership. Rather than challenging the merits of the settlements or identifying any legal error in the district court’s settlement approval orders, Mr. Stanford seeks to wipe away the entire Receivership with a patently baseless challenge to the district court’s jurisdiction over the Receivership. Mr. Stanford claims that because the Receiver purportedly relocated his principal place of business from Dallas to Houston, that act somehow divested the district court of subject matter jurisdiction.³ *See* Notice of Appeal, at 2 (Doc. 1); App.15–16. This collateral attack on the Receivership is meritless and has nothing to do with the order Mr. Stanford appeals. Rather, it is merely Mr. Stanford’s latest attempt to launch a collateral attack on his criminal convictions and all judicial decisions issued in this Receivership over the past 14 years. Because Mr. Stanford has failed to raise any “legal point[] arguable on its merits,” this Court should dismiss his appeal as frivolous. *See*

² The Receiver takes no position as to Mr. Stanford’s suggestion that the appeals be consolidated.

³ Not that it makes any difference to any actual legal consideration, but the Receiver and his law firm have been located at the same Dallas address throughout the life of the Receivership.

United States v. Haden, 260 Fed. App'x 661, 663 (5th Cir. 2007) (citing *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983)).

Regrettably, Mr. Stanford's frivolous appeals have now effectively frozen \$257 million in settlement funds that would otherwise go to the victims of his crimes. *As long as Mr. Stanford's appeals remain pending, the district court's approval orders cannot become final, and the settlements cannot be funded.*

The Receiver has already moved to dismiss as frivolous Mr. Stanford's appeal of the \$100 million Trustmark Settlement. *See* App.55–200 (“Original Motion to Dismiss”). And briefing of that motion is now complete. *See* App.202–08 (Mr. Stanford's response); App.210–14 (Receiver's reply). Because Mr. Stanford bases this appeal on the identical frivolous arguments he raised in appealing the Trustmark Settlement, the Receiver hereby incorporates by reference the arguments asserted in the Receiver's Original Motion to Dismiss and appends that document to this motion. *See* App.55–70. For the same reasons set forth in the Original Motion to Dismiss, the Receiver asks the Court to likewise dismiss this appeal as frivolous under Fifth Circuit Rule 42.2.

PRAYER

The Receiver requests that the Court expeditiously dismiss Mr. Stanford's appeal as frivolous to put an end to Mr. Stanford's continued abuse of the Court system to delay recovery for thousands of victims of his crimes.

Dated July 5, 2023

Respectfully submitted,

By: /s/ Kevin M. Sadler

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ATTORNEYS FOR APPELLEE-RECEIVER

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2023, I electronically filed the foregoing using the Court's CM/ECF filing system, which will send notification of such filing to all counsel of record. In addition, I served a true and correct copy of the foregoing document by United States Postal Service Certified Mail, Return Receipt required to the following non-CM/ECF participant:

R. Allen Stanford, Pro Se
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Dated: July 5, 2023

/s/ Kevin M. Sadler
Kevin M. Sadler

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g) the undersigned certifies this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because, excluding the portions of the motion exempted by Fed. R. App. P. 32(f), this motion contains 914 words.

This motion also complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word with Georgia 14-point font for text and 13-point font for footnotes.

Dated: July 5, 2023

/s/ Kevin M. Sadler
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