

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

STANFORD INTERNATIONAL BANK,
LTD., *et al.*,

Defendant.

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Civil Action No. 3:09-CV-298-N

**APPENDIX OF MAGNESS IN SUPPORT OF MAGNESS'S OMNIBUS OBJECTION TO
(I) RECEIVER'S MOTION FOR APPROVAL OF FINAL DISTRIBUTION PLAN AND
REQUEST FOR HEARING AND (II) RECEIVER'S MOTION FOR AUTHORIZATION
TO DISPOSE OF RECORDS AND EQUIPMENT AND BRIEF IN SUPPORT**

NIXON PEABODY LLP
Michael Summerhill (pro hac vice)
70 West Madison St.
Suite 5200
Chicago, IL 60602
Telephone: (312) 977-9224
msummerhill@nixonpeabody.com

-and-

Richard C. Pedone (pro hac vice)
Exchange Place
53 State Street
Boston, Massachusetts 02109
Telephone: (617) 345-1000
rpedone@nixonpeabody.com

-and-

NIXON PEABODY LLP
Christopher J. Fong (pro hac vice)
55 West 46th Street
New York, NY 10036
Telephone: (212) 940-3000
cfong@nixonpeabody.com

-and-

DYKEMA GOSSETT PLLC
Christopher D. Kratovil
1717 Main St., Suite 4200
Dallas, TX 75201
(214) 698-7801
ckratovil@dykema.com

Co-Counsel to Magness

Dated: September 10, 2025

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Exhibit	Description
1	Magness's First Set of Requests for Production of Documents Directed to Ralph S. Janvey In His Capacity as Receiver
2	August 21, 2025 Letter from Receiver

EXHIBIT 1

Magness's First Set of Requests for Production of Documents Directed to Ralph S. Janvey In His
Capacity as Receiver

**IN THE UNITED STATES DISTRICT COURT
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SECURITIES AND EXCHANGE
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Civil Action No. 3:09-CV-298-N

**MAGNESS'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
DIRECTED TO RALPH S. JANVEY IN HIS CAPACITY AS RECEIVER**

To: Ralph S. Janvey
c/o Kevin M. Sadler
Texas Bar No. 17512450
1001 Page Mill Road
Building One, Suite 200
Palo Alto, California 94304-1007
kevin.sadler@bakerbotts.com

Scott D. Powers
Texas Bar No. 24027746
Brendan A. Day
Texas Bar No. 24052298
scott.powers@bakerbotts.com
brendan.day@bakerbotts.com
401 South 1st Street, Suite 1300
Austin, TX 78704

PLEASE TAKE NOTICE THAT pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure (the “Federal Rules”), in connection with the *Receiver’s Opposed Motion to Uphold Notices of Determination Regarding Magness Claims and Brief In Support* [Dkt. No. 3483], GMAG, LLC (“GMAG”), Magness Securities, LLC (“Magness Securities”), Gary D. Magness (“Gary Magness”), and Mango Five Family, Inc., in its Capacity as Trustee of The Gary D. Magness Irrevocable Trust (“GMIT,” together with GMAG, Magness Securities, and Gary Magness, “Magness”), by and through their undersigned counsel, demand that Ralph S. Janvey, in his capacity as the court-appointed Receiver of Stanford International Bank, Ltd., provide written responses or objections (if any) to each of the following requests for the

production of documents (the “Requests for Production”) within 30 days of the receipt of these requests, at the offices of Nixon Peabody LLP, 55 West 46th Street, New York, NY 10036. (Attn: Christopher Fong Esq.). These Requests for Production shall be deemed continuing.

Dated: August 6, 2025

Respectfully submitted,

By: /s/ Michael Summerhill
NIXON PEABODY LLP
Michael Summerhill (pro hac vice)
70 West Madison St.
Suite 5200
Chicago, IL 60602
Telephone: (312) 977-9224
msummerhill@nixonpeabody.com

-and-

Richard C. Pedone (pro hac vice)
Exchange Place
53 State Street
Boston, Massachusetts 02109
Telephone: (617) 345-1000
rpdone@nixonpeabody.com

-and-

Christopher J. Fong (pro hac vice)
55 West 46th Street
New York, NY 10036
Telephone: (212) 940-3000
cfong@nixonpeabody.com

-and-

Christopher D. Kratovil
DYKEMA GOSSETT PLLC
1717 Main St., Suite 4200
Dallas, TX 75201
(214) 698-7801
ckratovil@dykema.com

Co-Counsel to Magness

GENERAL INSTRUCTIONS AND DEFINITIONS

1. You are requested to produce all the documents described below, wherever located, which are in your possession, custody or control, or in the possession, custody or control of your agents, servants, employees, attorneys, accountants, or other persons acting or purporting to act on your behalf. Magness offers to meet-and-confer before Your production of any documents to discuss the requests and the most efficient way to complete the document production.

2. Each request for documents seeks production of the documents in their entirety, without abbreviation or expurgation, including all attachments or other matters affixed thereto.

3. If you do not produce any document herein requested under a claim of privilege, work product or other ground of non-production, you are to submit a log which identifies, with respect to each document withheld: (a.) the privilege or privileges claimed or other grounds for non-production; (b.) the nature and general topic of the document; (c.) the person or persons who prepared or authored the document and all persons to whom the document was sent (including carbon copy and blind copy recipients, as well as other recipients); (d.) the date on which the document was prepared or transmitted; (e.) Every person who has seen or had possession of the document; and (f.) the date on which the document was prepared or received.

4. Any and all objections to any category of documents to be produced pursuant to this request must be made in a written response and served within the time period for responding to this request.

5. In accordance with Rule 34 of the Federal Rules of Civil Procedure, this request shall be deemed continuing, and any document obtained or located after the production, which would have been produced had it been available or its existence known at that time, is to be produced immediately.

6. All documents and other things produced in response to these requests shall be organized and labeled to correspond to each numbered request or produced as such documents are kept in the usual course of business.

7. If the identification of a document would be responsive to any request, and that document was at one time in existence, but has been lost, discarded, or destroyed, identify such document as completely as possible, providing as much of the following information as possible:

- a. the type of document;
- b. its date;
- c. the date it was lost, discarded, or destroyed;
- d. the reason or reasons for its loss or destruction;
- e. the circumstances and manner in which it was lost, discarded, or destroyed;
- f. the identity of any and all persons who either authorized the disposal or destruction of the document, or have knowledge of the circumstances surrounding the disposal or destruction of the document;
- g. the identity of any and all persons who lost, discarded, or destroyed the document; and
- h. the identity of any and all persons having knowledge of the contents of the document.

8. If you assert that a request is objectionable, please specify, according to Federal Rule 33(b), the part of the request to which you object, state the nature of the objection in sufficient fashion to permit the court to rule on the validity of the objection and respond to the remaining parts of the request to which you do not object.

9. In the event that the Receiver wishes to assert the attorney-client privilege, the attorney work-product doctrine, or any other privilege as to any document, oral statement, or communication which has been requested, then as to each such document, Magness requests that the Receiver identify the document in the following manner:

- a. Identify the nature of the privilege (including work product) which is being claimed, and if the privilege is governed by state law, indicate the state's privilege rule being invoked;
- b. For documents: (i) the type of document, *e.g.*, letter or memorandum; (ii) the general subject matter of the document; (iii) the date of the document; and (iv) such other information as is sufficient to identify the document for a subpoena *duces tecum*, including, where appropriate, the author of the document, the addresses of the document, any other recipients shown in the document, and where not apparent, the relationship of the author, addresses, and recipients to each other;
- c. For oral communications: (i) the name of the person making the communication and the names of persons present while the communication was made and, where not apparent, the relationship of the persons present to the person making the communication; (ii) the date and place of communication; and (iii) the general subject matter of the communication.

10. Unless otherwise specified, the relevant time period of all Requests for Production is from February 17, 2009 to the present.

DEFINITIONS

1. “Communication” shall mean every manner or means of disclosure, transfer, or exchange of information, including, but not limited to, any of the following: (a) any written letter, memorandum, or other Document of any kind by mail, courier, other delivery services, telecopy, facsimile, telegraph, electronic mail, voicemail, or any other means; (b) any telephone call, whether or not such call was by chance or prearranged, formal or informal; and (c) any conversation or meeting between two or more persons, whether or not such contact was by chance or prearranged, formal or informal.

2. “concerning” means referring to, describing, evidencing, or constituting.

3. “Court” shall mean the United States District Court for the Northern District of Texas.

4. “Interim Distribution Order” means the *Order Approving Receiver’s Interim Distribution Plan* [Dkt. No. 1877] entered on May 30, 2013 in the Receivership Case.

5. “Magness” means, collectively, GMAG, LLC, Magness Securities LLC, Gary D. Magness, and Mango Five Family Inc., in its Capacity as Trustee for The Gary D. Magness Irrevocable Trust.

6. “Motion” means the *Receiver’s Opposed Motion to Uphold Notices of Determination Regarding Magness Claims* [Docket No. 3483], as it may be amended, supplemented or modified.

7. “Notices of Determination” means the Receiver’s five (5) Notices of Determination, dated May 5, 2025, with respect to the following claims:

- STANFORD-1013103-5
- STANFORD-1013104-3
- STANFORD-1013105-1
- STANFORD-1015278-4
- STANFORD-1015280-6
- STANFORD-1015281-4
- STANFORD-1013102-7
- STANFORD-1015279-2
- STANFORD-1014445-5
- STANFORD-1013465-4

8. “Prior Interim Distribution Plans” shall mean docket numbers 1877, 2037, 2288, 2520, 2805, 2922, 2974, 3065, 3163, 3380, and 3418 entered in the Receivership case.

9. “Relate to,” “related to,” and “relating to” are to be given their broadest possible meaning, and include the terms constitute, comprise, mention, describe, contain, enumerate, involve, concern, pertain to, refer to, represent, evidence, corroborate, support, discuss, record, explain, portray, and depict.

10. “Receiver” means the court-appointed receiver, Ralph S. Janvey, for SIB.

11. “Receivership Case” means *SEC v. Stanford Int’l Bank, Ltd.* (Case No. 3:09-CV-298-N)(N.D. Tex.) filed in the United States District Court for the Northern District of Texas.

12. “Receivership estate” or “estate” means the assets of SIB placed under the control of the court-appointed Receiver in the Receivership case and administered by the Court.

13. “Reply” shall mean the *Receiver’s Reply In Support Of Receiver’s Motion To Uphold Notices Of Determination Regarding Magness Claims* [Dkt. No. 3501] filed in the Receivership Case.

14. “SIB” shall mean Stanford International Bank, Ltd.

15. “Document” shall have the broadest meaning ascribed to it by Federal Rule 34(a), and, to the extent not explicitly included as part of the definition under Federal Rule 34(a), shall also include the original and any non-identical copy of any written, printed, or graphic material, photographic matter, sound reproduction, or computer input, output or extract (whether image, data, or code), including any correspondence, teletype message, memorandum of oral statements, conversations, or events, letters, e-mails, facsimiles, telegrams, personnel files, notes, reports, compilations, studies, tabulations, tallies, maps, diagrams, sketches, graphs, plans, pictures, records, securities, certificates, certificates of deposit, agreements, contracts, and licenses, however produced, reproduced or recorded, whether physically, mechanically, or electronically, which: (1) is now or was formerly in the possession, custody, or control of the Receiver, or (2) is known or believed to be responsive to any of the following requests, regardless of who now has or formerly had custody, possession, or control. Documents with color printing should be produced reflecting that color printing.

16. “You” means Ralph S. Janvey.

DOCUMENTS TO BE PRODUCED

Claims Against the Estate and Distributions

1. Documents, including any summaries, concerning the following:
 - (a) The total amount of claims filed against the Receivership estate to date;
 - (b) The total amount of claims that have been allowed by the Receiver to date;
 - (c) The total amount of claims that have been disallowed by the Receiver to date;
 - (d) The total amount of remaining disputed claims against the Receivership estate;
 - (e) The total amount of distributions that have been made to date;
 - (f) The remaining amount of future distributions that need to be made in accordance with any Prior Interim Distribution Plans;
 - (g) The total current amount of cash and other assets in the Receivership estate;
 - (h) The current amount of professional fees and other administrative expenses of the Receivership estate that are outstanding to date;
2. All Documents concerning the total current amount reserved by the Receiver to satisfy disputed claims, professional fees and administrative expenses against the Receivership estate.
3. All Documents concerning the identity of any party sued by the Receiver and who were not eligible to receive a distribution under the Interim Distribution Order and/or any Prior Interim Distribution Plans.
4. All Documents concerning any notice provided to parties that if that party litigated with the Receiver, that party would never receive any distributions authorized under the Interim Distribution Order and Prior Interim Distribution Plans while that party remained a defendant.

Motion

5. All Documents and Communications concerning the statement made on page 7 of the Motion that “In exchange for the funds Magness funneled to SIB, Magness was given ‘preferred rates’ on SIB CDs, which were higher than rates offered to other investors.”

6. All Documents and Communications concerning the statement made on page 15 of the Motion that “Magness essentially engineered a 100% distribution to himself, via sham loans, in 2008 while other investors had to wait seven years to receive even the first 1% distribution against their losses.”

7. All Documents and Communications concerning the statement made on page 18 of the Motion that “the substantial payment that would be due to Magness—approximately \$36 million—would erode substantially the total amount of funds available to be distributed to SIB CD investors who had to wait for years to receive even partial payment for their losses . . . ”.

Reply

8. All Documents and Communications concerning the statement made in footnote 2 on page 8 of the Reply that “Magness did indeed receive preferential rates in 2005 when he put a substantial amount of money into SIB. He then received a new preferential rate deal in 2006 [the “Magness Family Rate Grid”] when he agreed to put even more money into SIB and when he also agreed to an advertising arrangement for Stanford that involved Magness’s Baja racing team.”

9. All Documents and Communications concerning the statement made on page 11 of the Reply that “Stanford used Magness to recruit CD investors, and Magness agreed to advertise Stanford as part of an agreement for preferential CD rates.”

EXHIBIT 2

August 21, 2025 Letter from Receiver

BAKER BOTTS LLP

1001 PAGE MILL ROAD
BUILDING ONE, SUITE 200
PALO ALTO, CALIFORNIA
94304-1007

TEL +1 650.739.7500
FAX +1 650.739.7699
BakerBotts.com

AUSTIN
BRUSSELS
DALLAS
DUBAI
HOUSTON
LONDON

NEW YORK
PALO ALTO
RIYADH
SAN FRANCISCO
SINGAPORE
WASHINGTON

August 21, 2025

Kevin Sadler
TEL: 6507397518
FAX: 6507397618
kevin.sadler@bakerbotts.com

VIA E-MAIL (MSUMMERHILL@NIXONPEABODY.COM)

Michael Summerhill
NIXON PEABODY LLP
70 West Madison St.
Suite 5200
Chicago, IL 60602

Re: Receiver's Responses and Objections to Magness's First Set of Requests for
Production of Documents Directed to Ralph S. Janvey in his Capacity as Receiver

Counsel:

We are in receipt of Magness's First Set of Requests for Production of Documents Directed to Ralph S. Janvey In His Capacity as Receiver (the "Requests"). The Requests purport to be served pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure. The Requests are headed with the caption for the case between the SEC and Stanford International Bank, Ltd. et al., which bears case number 3:09-CV-298-N in the United States District Court for the Northern District of Texas (the "SEC Lawsuit").

As you are aware, Magness is not a party to the SEC Lawsuit. Therefore, neither Rule 26 nor Rule 34 gives Magness authority to serve the Receiver with a request for production in the SEC Lawsuit. Indeed, if Rule 26 were to apply, then Magness would have been required, for example, to serve initial disclosures, *see* Fed. R. Civ. P. 26(a)(1)(A), and to hold a scheduling conference, *see* Fed. R. Civ. P. 26(f). Moreover, until a scheduling conference is held, parties may not seek discovery. *See* Fed. R. Civ. P. 26(d)(1). In some circumstances, early Rule 34 requests may be served before a scheduling conference, but such requests are only appropriate when served more than 21 days after "summons and complaint are served on a party" Fed. R. Civ. P. 26(d)(2). And, in that case, the requests are deemed to have been served at the first Rule 26(f) conference. As to the scope of discovery, it is limited to "any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." Fed. R. Civ. P. 26(b)(1). Here, there is no summons and no complaint, no answer, no Rule 26 disclosures, no Rule 26 conference, and no claims or defenses pled in the SEC Lawsuit. Indeed, the record shows that Magness tried to become a party to a lawsuit with the Receiver, by seeking leave in the SEC Lawsuit to sue the Receiver for setoff, but the District Court denied such leave, and that Order was affirmed on appeal. *See Janvey v. GMAG, L.L.C.*, 98 F.4th 127 (5th Cir. 2024), *cert. denied sub nom. GMAG*,

BAKER BOTTS LLP

Michael Summerhill

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August 21, 2025

L.L.C. v. Janvey, 145 S. Ct. 114 (2025). It is obvious that the Requests are inappropriate and not authorized by Rule 26 or 34 or any other order of the Court. As such, the Receiver is not required to respond and will not respond to them.

Even if Magness had some authority to serve discovery on the Receiver, however, the Requests would remain objectionable.

Requests 1 and 2 concern the general subject of the status of claims filed by people other than Magness, the funds that are available to pay claimants, and administrative expenses of the Receivership estate. Magness has no legitimate entitlement to any of this information beyond the reporting that the Receiver routinely provides to the Court and anyone with access to PACER, and which the Receiver updated as recently as August 20, 2025. And Magness certainly has no entitlement to “all documents” concerning the matters referenced in Requests 1 and 2. As such, Requests 1 and 2 seek information that is neither relevant nor reasonably calculated to lead to relevant information, are overly broad, are unduly burdensome, involve unnecessary expense, and serve no purpose other than harassment.

Requests 3 and 4 concern the general subject of the status of claimants as defendants and the effect of that status on their Receivership claims. Although neither request is the model of clarity, it is clear enough that neither request is legitimate.

Request 3 appears directed to learning the identity of individuals or entities sued by the Receiver who were also claimants in the Receivership’s claims process. Information about defendants sued by the Receiver over the past 15-plus years is available on PACER. More importantly, Magness has no legitimate need for that information, and he certainly has no need for “all documents” concerning the identity of such persons. As such, Request 3 seeks information that is neither relevant nor reasonably calculated to lead to relevant information, is overly broad, is unduly burdensome, involves unnecessary expense, and serve no purpose other than harassment. Request 3 is also objectionable because it seeks confidential information concerning claims information submitted to the Receiver by third parties.

The meaning of Request 4 is unclear, but it appears to request documents concerning notice to claimants of propositions that follow from the terms of the Court’s interim distribution orders. Other than the orders themselves, it is unclear what sort of notice Magness believes exists or would be relevant to anything. And certainly, individual notice to claimants other than Magness is irrelevant to whatever point he wishes to make. Therefore, Request 4 seeks information that is neither relevant nor reasonably calculated to lead to relevant information, is overly broad, is unduly burdensome, involves unnecessary expense, and serve no purpose other than harassment.

Requests 5, 6, 8, and 9 all relate to statements concerning facts that were subject to exhaustive discovery in the Receiver’s lawsuit against Magness. That litigation is now fully and finally concluded. Magness had full discovery in his lawsuit with the Receiver, a jury trial, and numerous appeals, all of which he lost. Magness has no legal basis to revisit discovery from the now-concluded litigation. Indeed, the “discovery” that Magness seeks now cannot change the factual and legal matters that were resolved as between the Receiver and Magness after more than

BAKER BOTTS LLP

Michael Summerhill

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August 21, 2025

a decade of litigation. Therefore, there is no basis for Magness to ask the Receiver to produce “all documents and communications” concerning the statements referenced in Requests 5, 6, 8, and 9. Indeed such Requests plainly are not consistent with the requirements of Federal Rule of Civil Procedure 11. For these reasons, among others, Requests 5, 6, 8, and 9 seek information that is not relevant or reasonably calculated to lead to relevant information, are unduly burdensome, involve unnecessary expense, and serve no purpose other than harassment. Additionally, because the statements referenced in the Requests go to matters that were core to the Receiver’s lawsuit against Magness, requiring the production (or logging) of all documents and communications concerning those statements, would require a hugely expensive and disproportionate effort by the Receiver and his litigation team to search their litigation file for responsive documents. Such a request would self-evidently impose an extreme and unwarranted cost on the Receivership.

Finally, Request 7 is not a proper discovery request. The statement about which Magness seeks discovery—that a \$36 million payment to him would erode substantially the amount of funds available to be distributed to SIB CD investors—is simply a mathematical truism. Thirty-six million dollars is a substantial sum, and if it is paid to Magness, it is unavailable to be paid to eligible Investor CD Claimants. Therefore, there is no legal basis for Magness to ask the Receiver to produce “all documents and communications” concerning that statement. The Request is plainly unduly burdensome, involves unnecessary expense, and serves no purpose other than harassment.

For the foregoing reasons, the Receiver will not be producing documents in response to the Requests, nor will he be producing a log of privileged documents responsive to the Requests unless and until an order is entered permitting service of the discovery and overruling the Receiver’s objections and directing the Receiver to search for documents responsive to the Requests. Whatever documents the Receiver has, likely including privileged documents, that would be responsive to the improper Requests, are ones for which he will not search and he will not produce for the reasons stated above.

Respectfully,



Kevin Sadler

Cc:

Richard C. Pedone
Exchange Place
53 State Street
Boston, Massachusetts 02109
Telephone: (617) 345-1000
rpedone@nixonpeabody.com

BAKER BOTTS_{LLP}

Michael Summerhill

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Christopher J. Fong
55 West 46th Street
New York, NY 10036
Telephone: (212) 940-3000
cfong@nixonpeabody.com

Christopher D. Kratovil
DYKEMA GOSSETT PLLC
1717 Main St., Suite 4200
Dallas, TX 75201
(214) 698-7801
ckratovil@dykema.com